Technical and Bibliographic Notes/Notes techniques et bibliographiques

The Institute has attempted to obtain the best original copy available for filming. Features of this copy which may be bibliographically unique, which may alter any of the images in the reproduction, or which may significantly change the usual method of filming, are checked below.

- [x] Coloured covers/ Couverture de couleur
- [x] Covers damaged/ Couverture endommagée
- [ ] Covers restored and/or laminated/ Couverture restaurée et/ou pelliculée
- [ ] Cover title missing/ Le titre de couverture manque
- [ ] Coloured maps/ Cartes géographiques en couleur
- [ ] Coloured ink (i.e. other than blue or black)/ Encre de couleur (i.e. autre que bleue ou noire)
- [ ] Coloured plates and/or illustrations/ Planches et/ou illustrations en couleur
- [ ] Bound with other material/ Relié avec d'autres documents
- [x] Tight binding may cause shadows or distortion along interior margin/ La reliure serrée peut causer de l'ombre ou de la distortion le long de la marge intérieure
- [ ] Blank leaves added during restoration may appear within the text. Whenever possible, these have been omitted from filming/ Il se peut que certaines pages blanches ajoutées lors d'une restauration apparaissent dans le texte, mais, lorsque cela était possible, ces pages n'ont pas été filmées.
- [ ] Additional comments:/ Commentaires supplémentaires:

L'Institut a microfilmé le meilleur exemplaire qu'il lui a été possible de se procurer. Les détails de cet exemplaire qui sont peut-être uniques du point de vue bibliographique, qui peuvent modifier une image reproduite, ou qui peuvent exiger une modification dans la méthode normale de filmage sont indiqués ci-dessous.

- [ ] Coloured pages/ Pages de couleur
- [ ] Pages damaged/ Pages endommagées
- [ ] Pages restored and/or laminated/ Pages restaurées et/ou pelliculées
- [x] Pages discoloured, stained or foxed/ Pages décolorées, tachetées ou piquées
- [ ] Pages detached/ Pages détachées
- [x] Showthrough/ Transparence
- [x] Quality of print varies/ Qualité inégale de l'impression
- [ ] Includes supplementary material/ Comprend du matériel supplémentaire
- [ ] Only edition available/ Seule édition disponible
- [ ] Pages wholly or partially obscured by errata slips, tissues, etc., have been refilmed to ensure the best possible image/ Les pages totalement ou partiellement obscurcies par un feuillet d'errata, une pelure, etc., ont été filmées à nouveau de façon à obtenir la meilleure image possible.

This item is filmed at the reduction ratio checked below/
Ce document est filmé au taux de réduction indiqué ci-dessous.

10X	12X	14X	16X	18X	20X	22X	24X	26X	28X	30X	32X
					✓						

Chemins de fer N° 3 210

CHARTER

OF THE

ONTARIO, SIMCOE AND HURON

RAILROAD

UNION COMPANY

AND OTHER

IMPORTANT ACTS AND DOCUMENTS RELATIVE THERETO.

TORONTO:

PRINTED BY HUGH SCOBIE, AT THE OFFICE OF THE BRITISH COLONIST.

1851.

BIBLIOTHÈQUE S.M.E. 1964 Séminaire de Québec

CHARTER

OF THE

ONTARIO, SIMCOE AND HURON

RAILROAD

UNION COMPANY

AND OTHER

IMPORTANT ACTS AND DOCUMENTS RELATIVE THERETO.

TORONTO:

PRINTED BY HUGH SCOBIE, AT THE OFFICE OF THE BRITISH COLONIST.

1851.

Bibliothèque, Le Séminaire de Québec, 3, rue de l'Université, Québec 4, QUE.

1. Procla
2. Act t
ro
3. Act t
th
p
4. Act t
t
5. Extra
e
r
w
6. Extra
a
o
7. Act t
T
s
I
8. By-l
t
I
i
9. Reso
a
r
y
10. Ad
f
I
11. The
r
12. Ad
c
13. Re
14. Clo

CONTENTS.

PAGES.

1. Proclamation announcing Her Majesty's Assent to the Act.. 3 & 4
2. Act to Incorporate the Toronto, Simcoe and Huron Railroad Union Company ..... 5 to 41
3. Act to amend the above, by which the name is changed to the "Ontario, Simcoe and Huron Railroad Union Company." ..... 41 & 42
4. Act to provide for affording the guarantee of the Province to the Bonds of Railway Companies..... 43 to 45
5. Extracts from Main Trunk Line Railway Act, having reference to the Ontario, Simcoe and Huron Company, in regard to the Provincial Guarantee, for principal as well as interest..... 45 to 50
6. Extracts from the Municipal Corporations Act of 1849, shewing the mode provided for enforcing the payment of debts due by Municipalities in Upper Canada..... 51 to 55
7. Act to enable the Municipal Corporation of the City of Toronto, and other Municipalities, to assist in the construction of the Ontario, Simcoe and Huron Union Railroad..... 55 to 57
8. By-law of the Municipal Council of the County of Simcoe, to provide for taking stock in the Ontario, Simcoe and Huron Railroad Company, in the sum of £50,000, and issuing debentures therefor..... 57 to 61
9. Resolution of the City Council of Toronto, granting £25,000 in aid of the said Railroad as a gift, and the right of way and terminus at a nominal rent for 99 years..... 61 & 62
10. Additional Resolutions of the City Council of Toronto granting further aid, by way of loan, to the said Company, to the amount of £35,000 in debentures..... 62 to 64
11. The Breaking Ground, Grand Procession, and commencement of the work ..... 64 to 67
12. Address of the Board of Directors to His Excellency the Governor General of Canada ..... 67 to 71
13. Reply of the Governor General to the Address of the Board of Directors ..... 71 to 74
14. Closing of the Ceremonies..... 74 & 75

PROVINCE OF CANADA.

ELGIN AND KINCARDINE.

VICTORIA,

BY THE GRACE OF GOD,
OF THE UNITED KINGDOM OF GREAT BRITAIN AND IRELAND,
QUEEN, DEFENDER OF THE FAITH, &c., &c., &c.

To all to whom these Presents shall come—Greeting:

A PROCLAMATION.

Proclamation.

ROBERT BALDWIN, *Attorney General,*

WHEREAS at a Session of the Parliament of Our Province of Canada, holden at the City of Montreal, in Our said Province, on the Eighteenth day of January, in the year of Our Lord, one thousand eight hundred and forty-nine, and prorogued on the Thirtieth day of May then next ensuing, in the twelfth year of Our Reign, a certain Bill, intituled, *An Act to incorporate the Toronto, Simcoe and Lake Huron Union Rail-way Company,* was passed by the Legislative Council and Assembly, and was, at the prorogation of the said Session, on the Thirtieth day of May aforesaid, presented to Our Deputy Governor of Our said Province for Our Assent thereto; And whereas, in pursuance of the authority in Him vested under and by virtue of a certain Instrument or Commission issued by Our Governor of Our said Province in that behalf, bearing date at Monklands, in Our said Province, on the said Thirtieth day of May, assigning, deputing, substituting and appointing the said Deputy Governor to exercise, perform and execute, during the pleasure of Our said Governor, certain of the powers, functions and authorities of the said Governor, and amongst others, specially to reserve the said Bill

for the signification of Our pleasure thereon, Our said Deputy Governor then and there reserved the said Bill for the signification of such pleasure, as in the discretion of Our said Governor it was lawful to do under and in pursuance of the authority vested in Our said Governor by a certain Act of the Parliament of the United Kingdom of Great Britain and Ireland, passed in the Session held in the third and fourth years of Our Reign, intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada.* Now Know Ye, that the aforesaid Bill, intituled, *An Act to incorporate the Toronto, Simcoe and Lake Huron Union Rail-way Company*, having been laid before Us in Council, on the Thirtieth day of July, now last past, We have been pleased to Assent to the same; And We do by these presents, and according to the provisions of the said Act of Parliament of the United Kingdom of Great Britain and Ireland, passed in the third and fourth years of Our Reign, Assent to the said Bill; Of all which Our loving subjects, and all others whom these Presents may concern, are hereby required to take notice, and govern themselves accordingly.

In Testimony Whereof, We have caused these Our Letters to be made Patent, and the Great Seal of Our said Province of Canada to be hereunto affixed: Witness, Our Right Trusty and Right Well-Beloved Cousin, James, Earl of Elgin and Kincardine, Knight of the Most Ancient and Most Noble Order of the Thistle, Governor General of British North America, and Captain General and Governor in Chief in and over Our Provinces of Canada, Nova Scotia, New Brunswick and the Island of Prince Edward, and Vice-Admiral of the same, &c. &c. &c. At Our Government House, in Our City of Montreal, in Our said Province, this TWENTY-NINTH day of AUGUST, in the year of Our Lord, one thousand eight hundred and forty-nine, and in the thirteenth year of Our Reign.

By Command,

J. LESLIE,

Secretary.

ANNO DUODECIMO.

VICTORIÆ REGINÆ.

CAP. CXCIX.

An Act to incorporate THE TORONTO, SIMCOE, AND LAKE HURON UNION RAILROAD COMPANY.

30th MAY, 1849.—Presented for Her Majesty's Assent, and "Reserved for the signification of Her Majesty's pleasure thereon."

30th JULY, 1849.—Assented by Her Majesty in Privy Council.

29th AUGUST, 1849.—The Royal Assent signified by the Proclamation of His Excellency the Earl of Elgin and Kincardine, Governor General.

Preamble.

WHEREAS George Gurnett, Mayor of the City of Toronto, and upwards of eleven hundred others, inhabitants and freeholders of the City of Toronto and the Home and Simcoe Districts, have presented a Petition to the Legislature, praying that an Act might be passed to authorize the construction of a Rail-road from the City of Toronto to some part of the southerly shore of Lake Huron, touching at the Town of Barrie or at some point or points on the shore of Lake Simcoe: And whereas the construction of such Rail-road would greatly contribute to the facility of intercourse between the several Districts and Townships through which the same is intended to pass, and the said City of Toronto, and would tend to open a free intercourse with Lake Superior, Green Bay, the State of Winsconsin and other Western States of America, and thereby in a very important manner promote the interests of this Province: And whereas for the purpose of raising funds for the construction of the said Rail-road

by means of small contributions, it hath been proposed that the shares in the capital stock of the said Company may either be subscribed for or the shares may be allotted and distributed among the several members, contributors and subscribers to the said Rail-road Company, by chance or otherwise, as prizes amongst the members, subscribers or contributors to the said undertaking, on the condition, nevertheless, that such sum of money as shall be subscribed or contributed by persons taking scrip in the said Company, shall be solely and entirely expended in the construction of the said Rail-road, and the payment of the expenses necessarily incident thereto : Be it therefore enacted, by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That Frederick Chase Capreol, the Honorable Henry J. Boulton, John Hibbert, Robert Easton Burns, Joseph Curran Morrison, Charles Berczy, Joseph Davis Ridout, George Barrow, Albert Furniss, and Benjamin Holmes, Esquires, together with such person or persons as shall, under the provisions of the said Act, become subscribers to and proprietors of any share or shares in the Rail-road hereby authorized to be made, and other works and property hereinafter mentioned, being proprietors of any share or shares, are and shall be, and be united into a Company, for the carrying on, making, completing and maintaining the said intended Rail-road and other works, according to the rules, orders and directions hereinafter expressed, and for that purpose shall be and are hereby ordained, constituted and declared to be a body politic and corporate by the name and style of THE TORONTO, SIMCOE AND HURON RAIL-ROAD UNION COMPANY, and by that name shall have perpetual succession and shall have a Common Seal, and other the usual powers and rights of bodies corporate not inconsistent with this Act, and by that name shall be capable of contracting and being contracted with, of suing and being sued, pleading and being impleaded, answering and being answered

Certain persons incorporated.

Name of Company

unto in all Courts whatsoever, in all manner of actions, suits, complaints, matters and concerns whatsoever, and also shall and may have the power of purchasing and holding to them and their successors any estate, real, personal or mixed, to and for the use of the said Company, and of letting, conveying and otherwise departing therewith for the benefit and on account of the said Company, from time to time, as they shall deem necessary or expedient, without incurring any penalties or forfeitures whatsoever: And the said Company shall be, and are hereby authorized and empowered from and after the passing of this Act by themselves, their deputies, agents, officers, workmen and servants, to make and complete a Rail-road to be called THE TORONTO, SIMCOE AND HURON UNION RAIL-ROAD, with one or more sets of rails or tracks, and to be worked by locomotive engines or on the atmospheric principle, or in such other mode as the said Company may deem expedient, from some place in the City of Toronto to some place on the southerly shore of Lake Huron, and touching at the Town of Barrie, or at some point or place on the shore of Lake Simcoe, and in as direct a line as may be found convenient, and to erect wharves, warehouses, stores and other buildings at either termination, and at such other places on the line of the said Rail-road as they may deem expedient: Provided always, and be it further enacted, That the Governor in Council, upon memorial from the said Company, shall determine the gauge which shall be used on the said Rail-road, and such determination shall be declared by Proclamation in the *Official Gazette*, and shall thereupon be binding on the said Company.

Directors to sell scrip.

II. And be it enacted, That it shall and may be lawful for the said Frederick Chase Capreol, Henry J. Boulton, John Hibbert, Robert Easton Burns, J. C. Morrison, Chas. Berczy, Joseph Davis Ridout, George Barrow, Albert Furniss, B. Holmes and their successors, Directors of the said Company, to nominate and appoint one of their number to be a Manager, who shall be subject in all matters appertaining to the duties imposed upon him by this Act, to the direction and control of the said Directors who are hereby authorized either to sell or dispose of the capital stock to the amount of Five hundred thousand pounds in shares of five pounds each, either by subscriptions on the books of the

Company for such a number of shares as each party may desire to take, the whole number of shares being One hundred thousand, or to sell and dispose of to any person or persons, bodies politic or corporate, any number of tickets or scrips not exceeding in the whole one hundred thousand, constituting a capital of Five hundred thousand pounds to be distributed and allotted in one or more drawings by chance or otherwise at and for such price or sum of money for each ticket or scrip as they shall think fit, and under and subject to such stipulations and regulations as to the payment of the sums contracted to be given for the tickets or scrip, and as to the instalment and time of payment thereof and any advance thereon, and any allowance or discount for prompt payment, and as to any forfeitures or penalties for non-payment of any such sums of money or instalments and as to the whole number of tickets or scrips and the number and value of the fortunate tickets or scrips in such allotments by chance respectively; and also as to the share or shares or amount in stock or capital to be allowed to the owner of any ticket or scrip to be drawn on any or either of the days of distributing of any or either of such allotments, or any other beneficial chance therewith, and as to the days or times and place for the distributing of such allotments by chance respectively as they shall think proper and expedient, and all such regulations, stipulations, forfeitures and penalties shall be valid and effectual, and be obeyed, acted upon and enforced in like manner in every respect as if they had been inserted and enacted in the body of this Act, and that all the moneys to arise by the sale of such tickets or scrips shall be paid into one more of the Chartered Banks of this Province or a branch or branches of such bank or banks in the said City of Toronto, who shall if required give security to the satisfaction of any two or more of the Directors hereinafter named for duly answering or paying to the said Directors or to their order or the order of any of them, all the moneys they shall receive from time to time in respect of any or either of such allotments or of any tickets or scrips therein, and for accounting duly for the same and for the faithful performance of the trust in them reposed : And be it further enacted, That the said F. Chase Capreol, Henry J. Boulton, John Hibbert, Robert Easton Burns, Joseph Curran Morrison, Charles Berczy, Joseph Davis Ridout,

George Barrow, Albert Furniss, and B. Holmes, shall be and are hereby appointed the first Directors for the purposes hereinafter mentioned and set forth; and in case of the death, absence, resignation or removal of any one or more of them it shall and may be lawful for the survivors of the said Directors to appoint another or others in the room or stead of those of the Directors who may die or be absent, or resign as aforesaid, anything in this Act to the contrary notwithstanding; but if such appointment be not made, such death, absence, resignation or removal shall not invalidate the acts of the remaining Directors who shall continue Directors until the next annual election of Directors.

F. Chase Capreol, &c., appointed first Directors.

III. And for the establishing a proper method of distributing the said allotment or allotments by chance, be it enacted, That the said Frederick Chase Capreol, Henry J. Boulton, John Hibbert, Robert Easton Burns, Joseph Curran Morrison, Charles Berczy, Joseph Davis Ridout, George Barrow, Albert Furniss and B. Holmes, shall be Managers and Directors for preparing and delivering out tickets or scrips, and to oversee the drawing of lots, and to order, do and perform such other matters and things relating to such allotment by chance as may be necessary in that behalf, and shall for the said allotments respectively, cause books to be prepared, in which every leaf shall be divided or distinguished into three columns, and upon the innermost of the said three columns there shall be printed, for each of the said allotments, such number of tickets or scrips as shall have been fixed upon for the same, to be numbered one, two, three, and so onward in arithmetical progression where the common excess is to be one, until they rise to the number so fixed upon; and upon the middle column in every of the said books shall be printed the like number of tickets or scrips of the same breadth and form, and numbered in like manner; and in the extreme column of the same books there shall be printed a third rank or series of tickets or scrips of the same numbers with those of the other two columns, which tickets shall severally be of an oblong figure, and in the said books shall be joined with oblique lines, flourishes or devices in such manner as the said Directors or any three or more of them shall think most safe and convenient, and that every ticket or scrip in the third or extreme column of the said books

Method of distributing allotment.

How books to be prepared.

shall have written or printed thereupon (besides the number of such ticket) such words or figures, and shall be in such form as the said Directors may deem expedient.

Directors to examine tickets.

IV. And be it enacted, That the said Directors shall carefully examine all the said books with the tickets thereon, and take care that the same be contrived, numbered and made according to the true intent and meaning of this Act, and shall deliver or cause to be delivered the same and every or any of them as they shall be examined, and to such amount as to number of shares as to the said Directors shall seem fit, to the Manager aforesaid, for the purpose of distributing the same, taking from such Manager an acknowledgment in writing under his hand importing his receipt of such book or books, and so many tickets therein as shall be delivered to him, so that he may be charged to answer for such sum of money for every one of the tickets in the extreme columns which shall be delivered to him, as the same shall have been sold for, or for so many of them as he shall not deliver back to the said Directors, and the said Manager is hereby directed and required, upon receipt of every or any entire sum of money in full payment for any ticket or tickets from any person or persons contributing in any such allotment by chance, from time to time, to cut out of the said book or books, so to be put into his or their custody, through the said oblique lines, flourishes or devices, indentwise in the said extreme columns, such ticket or tickets as shall be necessary to deliver to the several persons entitled thereto; which tickets the said Directors, or any three or more of them, shall sign with their own names previous to the delivering thereof to the said Manager, who, after himself signing the said ticket, shall permit the person or respective persons so entitled, if it be desired, to write his name or mark on the corresponding tickets in the same book or books, and at the same time the said Manager distributing the tickets aforesaid, shall deliver to such person or persons, to whom they are distributed, the ticket or tickets so cut off, which he, she or they are to keep and use for better ascertaining and securing the interest which he, she or they, his, her or their executors, administrators, successors or assigns shall or may have in the distribution of the said allotment by chance.

And deliver to manager for sale.

Manner of issuing tickets.

Manager to

V. And be it enacted, That the said manager to whom the

tickets shall have been delivered for distribution shall, fourteen days before the commencement of each distribution of the allotments by chance, re-deliver to the said Directors all the said books, and therein all the tickets which the said Manager shall not have cut out of the same and delivered to the persons entitled thereto, and shall monthly and every month, or whenever required by the said Directors, from the time of the delivery to him of the said book or books delivered to the said Directors, a true and just account in writing under his hand of all sums of money accrued or come to his hands by or for the tickets delivered or to be delivered out, and how the same and how much thereof shall have been actually paid by him into the hands of the said Directors, or into the said Bank or Banks for the purpose herein mentioned, and that the said Directors or any three or more of them shall retain and keep as cash to be issued, sold and disposed of for raising money for the purpose in this Act mentioned, all the tickets in the said outermost columns which shall not have been delivered (if any such be) in such manner as the said Directors or any three or more of them shall order or direct.

deliver back to Directors fourteen days before drawing, the books and unsold tickets, and to pay and account weekly for tickets sold.

VI. And be it enacted, That the said Manager entrusted with the distribution of the tickets as aforesaid, shall cause all the tickets in the middle columns in the books made out with three columns as aforesaid, which shall be delivered back to him by or from the said Directors as aforesaid, to be carefully rolled up and made fast with thread or silk, and shall in their presence and in the presence of any such contributors as may be there, cause all the said tickets which are to be so rolled up and made fast as aforesaid, to be cut off indentwise through the said oblique lines, flourishes, or devices, into a box to be prepared for that purpose, and to be marked with the letter (A), which is presently to be put up in another strong box, and to be locked with three different locks and keys, to be kept by as many of the said Directors; and sealed with their seals, or the seals of some of them, until the said tickets are to be drawn as is hereinafter mentioned, and that the tickets in the first or innermost columns of the said books shall remain still in the books for discovering any mistake or fraud, if any should happen to be contrary to the true meaning of this Act.

How tickets to be prepared for the drawing.

Certain books to be kept by manager.

VII. And be it enacted, That the said Manager entrusted with the distribution of the tickets as aforesaid, shall also prepare, or cause to be prepared for the said allotments by chance respectively, other books in which every leaf shall be divided or distinguished into two columns, and upon the innermost of those two columns there shall be printed the number of tickets of each of such allotments respectively, and upon the outermost of the said two columns there shall be printed a like number of tickets, all which shall be of equal length and breadth as near as may be, which two columns shall be joined by some flourish or device through which the outermost ticket may be cut off indentwise, and that such number of tickets as shall be fixed upon for the purpose by the said Directors or any three of them, part of those to be continued in the outermost columns of the books last mentioned, shall be and be called the fortunate tickets to which benefits shall belong, and the said Directors or any three or more of them shall cause the amount of stock which shall have been fixed upon for each of such fortunate tickets to be written or printed thereupon as well in figures as in words in length, and the said Directors or any three or more of them shall cause all the said tickets continued in the outermost columns of the said last mentioned books to be in the presence of the said Manager entrusted with the distribution of the tickets as aforesaid, and in the presence of such contributors as shall be there, to be carefully cut out indentwise through the said flourish or device into another box to be provided for this purpose, and to be marked with the letter (B), which box shall be put into another strong box, and locked up with three different locks and keys, to be kept by as many of the said Directors, and sealed up with their seals or the seals of some of them, until these tickets shall also be drawn in the manner and form hereinafter mentioned, and that the whole business of rolling up, and cutting off, and putting into the said boxes the said tickets, and locking up and sealing the said boxes, shall be performed by the said Directors or any three or more of them before the last six days immediately preceding the day appointed for the drawing of the Lottery to which the tickets shall respectively belong, and to the end that every person concerned may be well assured that the counterpart of the same number with his or her ticket is put into the box

How to prepare tickets for the drawing.

marked with the letter A, from whence the same may be drawn and that other matters are done as hereby directed, some public notice in print shall be given of the precise time or times of putting the said tickets into the said boxes, to the end that such contributors as may be minded to see the same drawn may be present at the doing thereof.

Manner of drawing.

VIII. And be it enacted, That on or before the respective days that shall be appointed for the commencement of the distributing of each of the said allotments respectively, the said Directors or any three or more of them, shall cause the said several boxes with all the tickets therein for the said allotments to be brought into some convenient place within the said City of Toronto, whereof due notice shall be published in one or more of the Newspapers published in the several Districts through which it is intended the said Rail-road shall pass, fourteen days at least before the day appointed for the commencement of such distribution, so that the same may be there and placed on a table provided for that purpose, at such hour of the day as the said Directors or any three or more of them shall fix and appoint, and shall then and there attend this service, and cause the two boxes containing the said tickets to be taken out of the other two boxes in which they shall have been locked up, and the tickets in the respective innermost boxes, being in the presence of the said Directors, or such of them as shall be then present, and of such contributors as may be there for the satisfaction of themselves, well shaken and mingled distinctly in each box or wheels provided for the purpose, some one indifferent and fit person to be appointed and directed by the said Directors or the major part of them, or of such of them as shall be then present, shall take out and draw one ticket from the box or wheels where the said numbered tickets shall be put as aforesaid, and one other indifferent and fit person to be appointed and directed in like manner shall take out a ticket from the box or wheels where the fortunate and blank tickets shall be promiscuously put as aforesaid, and immediately both the tickets so drawn shall be opened and the number, as well of the fortunate as of the blank ticket shall be named aloud, and if the ticket taken or drawn from the box or wheels containing the fortunate and blank tickets shall appear to

be a blank, then the numbered ticket so drawn with the said blank at the same time drawn shall both be put upon one file, and if the ticket so drawn or taken from the box containing the the fortunate and blank tickets, shall appear to be one of the fortunate tickets, then the principal prize written upon such fortunate ticket shall be entered by a Clerk whom the said Directors or the major part of them as aforesaid shall employ and oversee for this purpose, into a book to be kept for entering the numbers coming up with the said fortunate tickets, and the principal prizes whereunto they shall be entitled respectively, and the said Directors or the major part of them as aforesaid, shall set their names as witnesses to such entries, and the said fortunate and numbered tickets so drawn together shall be put upon another file and so the said drawing of the tickets shall continue by taking one ticket at a time out of each box and with opening, naming aloud and filing the same, and by entering the fortunate lots in the manner aforesaid until the whole number of fortunate tickets shall be completely allotted, and should the same not be performed in one day, the said Directors or a majority of them shall cause the same to be locked up and sealed in manner aforesaid, and adjourn till the next day of drawing of the said lottery and so for each day of distributing the said tickets by chance as aforesaid, and the said Directors or a majority of them shall and may regulate the time of continuing to allot the tickets, and lessen or increase the number of the tickets to be so allotted on each day of distributing as they or the major part of them shall in their discretion think necessary, and shall proceed therein for such number of days as shall have been appointed by the said Directors or a major part of them for that purpose, till the whole number of fortunate tickets shall be completely drawn as aforesaid, and afterwards the said numbered tickets so drawn with the fortunate tickets drawn against the same, shall be and remain in a strong box locked up as aforesaid, and under the custody of the said Directors, until they shall take them out to examine, adjust, and settle the property thereof.

Penalty on forging or counterfeiting tickets.

IX. And be it enacted, That if any person or persons shall forge or counterfeit or cause or procure to be forged or counterfeited, or willingly act or assist in the forging or counterfeiting of

any ticket or tickets, scrip or scrips, order or orders made forth by virtue of this present Act, or alter any number, figure, or word therein, or knowingly either vend, barter or dispose of any such false, altered, forged or counterfeited ticket or tickets, scrip or scrips, order or orders, or shall bring any such forged or counterfeited ticket, scrip or order, or any ticket, scrip or order the number whereof or any figure or word therein shall have been altered, knowing the same to have been forged, counterfeited or altered, to the said Directors or any of them, or to any other person or persons whatever, with a fraudulent intention, or shall willingly aid, abet, assist, hire, or command any person or persons to commit any such offence or offences as aforesaid, then in every such case all and every such person or persons being thereof convicted in due form of law shall be adjudged a felon, and shall be liable to all the pains and penalties of felony, and the said Directors or the major part of them are hereby authorized, required and empowered to cause any person or persons bringing or uttering such forged or counterfeited ticket or tickets, scrip or scrips, order or orders, as aforesaid, or aiding, abetting, assisting, hiring or commanding any person or persons herein, to be apprehended and to commit him, her or them to Her Majesty's Gaol of the District or place where such person shall be so apprehended, to be proceeded against for the said felony according to law : Pro- Proviso.
vided always, that out of the moneys arising from the said allotments respectively, the said Directors, or the major part of them, including the Manager entrusted with the distribution of the said tickets as aforesaid, shall have power to discharge all outlays made in furtherance of the objects of this Act by the said Manager with the sanction of the said Directors, and all such incidental charges not hereby otherwise provided, as shall necessarily attend the execution of this Act in such manner as to them shall seem just and reasonable ; and after paying and deducting thereout such charges and expences as aforesaid, and the per centage hereafter named, the said Directors shall stand possessed of the said moneys so to be received as hereinafter mentioned, until the election or appointment of other Directors as hereinafter provided; and immediately after the election or appointment of such Directors, the said first named Directors shall transfer and pay over the balance of such moneys to such Directors or to the President of

the said Company, to be applied by them for the purposes of this Act as hereinafter provided: And provided further, and it is hereby declared, that the drawers or holders of the fortunate tickets, immediately after the drawing of each of the said lotteries in manner aforesaid, shall be entitled to exchange their tickets respectively, for a scrip or scrips from the said Directors, and the said Directors, or a major part of them, shewing the number of shares which such fortunate tickets respectively represent; and the holders of such scrip shall in all respects and for all purposes be considered and are hereby respectively declared to be a Stockholder or Stockholders in the said Company for the number of shares mentioned in such scrip or scrips: Provided always, that the said drawers of such fortunate tickets shall, before receiving such scrips as aforesaid, pay to the said Manager such a per centage on the amount of stock to which such drawer shall be entitled, as the said Directors shall think reasonable, not exceeding twelve per cent., for the services, pains and labours of the said Manager in and about the said allotment, and in the furtherance of the object of this Act, and for their costs and expences in advertising, printing, and otherwise: and the said Manager is hereby authorized and empowered to demand and receive the same: And provided further, that immediately after the election or appointment of other Directors as hereinafter provided, the holders of such scrips respectively shall be entitled to receive from the said new Directors, and they are hereby directed and empowered to issue and deliver to such holders of scrips respectively, so many shares or so much scrip as shall be equal to the number of shares mentioned in such certificates respectively.

Proviso.

Proviso.

Proviso.

Company empowered to enter upon lands.

X. And be it enacted, That it shall and may be lawful for the said Company, their agents and workmen, and all other persons by them authorised and they are hereby empowered to enter into and upon the lands of the Queen's Most Excellent Majesty, and of any person or persons, bodies or body politic, corporations aggregate or sole, whatsoever, and to survey and take levels of the same, or any part thereof, and to set out and appropriate, for the purposes of this Act, such parts thereof as they are by this Act empowered to take or use, and in and upon such lands or any lands adjoining thereto, to bore, dig, cut, em-

bank and to remove or lay, and also to use, work and manufacture any earth, stone, rubbish, trees, gravel or sand or any other matters or things which may be dug or obtained thereon or otherwise, in the execution of the powers of this Act, and which may be proper or necessary for making, maintaining, altering, repairing or using the said Railroad and other works by this Act authorized, or which may obstruct the making, maintaining, altering, repairing or using the same respectively, according to the true intent and meaning of this Act; and also for the purposes and according to the provisions and restrictions of this Act, to make and construct such inclined planes, tunnels, embankments, aqueducts, bridges, roads, ways, passages, conduits, drains, piers, arches, cuttings and fences, as the said Company shall think proper, and to make drains or conduits into, through or under any lands adjoining the said Railroad, and also in and upon the said Railroad or any lands adjoining or near thereto, to erect and make such toll and other houses, warehouses, yards, stations, engines and other works and conveniences connected with the said Railroad as the said Company shall think proper, and also from time to time to alter, repair or discontinue the before-mentioned works or any of them, and to substitute others in their stead, and generally to do and execute all other matters and things necessary and convenient for constructing, maintaining, altering or repairing and using the said Railroad and other works by this Act authorized, they, the said Company, their agents and workmen, doing as little damage as may be in the execution of the several powers to them hereby granted; and the said Company making full satisfaction, in manner hereinafter mentioned, to all persons and corporations interested in any lands which shall be taken, used or injured, and for all damages to be by them sustained in or by the execution of all or any of the powers hereby granted: and this Act shall be sufficient to indemnify the said Company and all other persons for what they or any of them shall do by virtue of the powers hereby granted, subject, however, to such restrictions and provisions as are hereinafter mentioned and contained.

XI. And be it enacted, That the lands to be taken for the line of the said Railroad shall not exceed forty yards in breadth, except

Lands taken for Rail-road not to exceed

a certain breadth.

in those places upon the line of such Railroad, where a greater breadth shall be judged necessary for carriages to wait, load or unload, or to turn or pass each other, or for raising embankments; for crossing villages or low grounds, for cuttings, or for the erection or establishment of any fixed or permanent machinery, toll-house, ware-house, wharf, or other erections and buildings, or for the protection of the said Railroad, from the falling of timber growing upon or along the line of the said Railroad, and not in any place exceeding two hundred yards in breadth except at the terminus of the said Railroad, and at each of such termini not exceeding three hundred yards square, unless with the previous consent in writing, of the owners or occupiers of any lands, which the said Company shall be desirous of appropriating to the obtaining of greater space: Provided always, that nothing in this Act contained, shall prevent the said Company from purchasing, having, holding, using and enjoying for any estate or interest; but they are hereby authorised from time to time, to purchase, have, hold, take, receive, use, and enjoy, without the line of the said Railroad, either at the termini, or at any of the stations of the said Rail-road, or along the line of the said Rail-road, any lands, tenements, and hereditaments which it shall please Her Majesty to give, grant, sell and convey, or which any person or persons, body or bodies politic, corporations aggregate or sole, shall give, grant, sell or convey unto, and to the use of, or in trust for the said Company, their successors and assigns, so as the aggregate quantity of such land so held, shall not exceed one hundred thousand acres, and it shall and may be lawful for the said Company from time to time by deed of bargain and sale or otherwise, to grant, bargain, sell or convey any of such lands; provided always, that it shall not be lawful for the said Company to retain in their possession, use and enjoyment, or to purchase, have, hold, take, receive, use or enjoy, any such lands, without the line of the said Rail-road, otherwise than for the better and more effectual repairing, maintaining and using the said Rail-road, and other works hereby authorized after the expiration of ten years from and after the completion of the said Rail-road; And provided also, that nothing in this Act contained, shall prevent the said Company, under the seal of the said Company, from granting, conveying and assuring, but they are

Proviso: no lands to remain in their possession, without line of Railroad.

Proviso: no lands to remain in their possession, without line of railroad unless for the better maintaining of the road.

Proviso: Company may grant, &c., lands without line

hereby authorized to grant, convey and assure any of such lands, without the line of the said Rail-road, and not necessary to be used therewith, or with the other works hereby authorised, unto and to the use of the several and respective members of the said Company, in proportion to the shares respectively held by them, in such manner as shall be regulated at a general meeting of the said Company, convened for the purpose of apportioning such lands, of the time and place of holding which meeting, at least three months' notice shall be published in one or more of the newspapers published in the several districts through which the said Rail-road shall pass, and shall also be transmitted by post, by the Secretary of the said Company, to the several and respective members of, and proprietors of shares in the said Company, at least four months before the day appointed for holding any such meeting.

of rail-road, and not necessary to be used.

XII. And be it enacted, That for the purposes of this Act, the said Company shall and may by some sworn Land Surveyor in the Province, and by an Engineer by them to be appointed, cause to be taken and made surveys and levels of the said lands through which the said intended Rail-road is to be carried, together with a map or plan of such intended Rail-road and the course and direction thereof, and of the said lands through which the same is to pass, and also a Book of Reference of the said Rail-road, in which shall be set forth a description of the said several lands, and the names of the owners, occupiers and proprietors thereof, so far as the same can be mentioned, and in which shall be contained everything that is necessary for the right understanding of such map or plan, copies of which said map or plan and book of reference, shall on the completion of such survey, map, and book of reference, be deposited by the said Company in the offices of the respective Clerks of the Peace for the several Districts through which the said Rail-road or any part thereof shall pass, and also in the office of the Secretary of the Province; and all persons shall have liberty to resort to such copies so to be deposited as aforesaid, and to make extracts from or copies thereof as occasion shall require, paying to the said Secretary of this Province or to the said respective Clerks of the Peace at the rate of six pence current money

Company to take surveys and levels of the lands through which the road is to be carried and make a map or plan thereof.

Book of reference to be made and deposited with plan

Copies of plan, &c., certified by Clerks of the Peace or Secretary of Province, good evidence in Courts of Law.

of this Province for every one hundred words, and the said copies of the said map or plan and book of reference so deposited, or a true copy or copies thereof, certified by the Secretary of the Province, or by one of the said Clerks of the Peace for the said respective Districts, shall severally be, and they are hereby declared to be good evidence in the Courts of Law and elsewhere.

Company may sink shafts, &c., wherever necessary.

XIII. And be it enacted, That in case it shall be found necessary to form shafts, pits, eyes or openings to or from any tunnel to be made for the purposes of this Act, it shall be lawful for the said Company to sink and construct such shafts, pits, eyes or openings in such places as the said Company shall think necessary.

Height and breadth of bridges over any highways.

XIV. And be it enacted, That when the said Rail-road shall be carried over or across any highway, otherwise on a level, the same shall be so carried over or across such highway at the expense of the said Company by means of a bridge, and the space of the arch of any such bridge shall be framed, and at all times be kept and continued by the said Company of such breadth as to have and leave a clear and open space under every such arch of not less than fifteen feet, and a height from the surface of such public highway to the centre of such arch of not less than sixteen feet, and the descent under any such bridge shall not exceed one foot in thirteen, and that in all places where it shall be necessary to erect, build, or make any bridge or bridges for carrying any public highway or carriage road over the said Rail-road, the ascent of every such bridge for the purpose of every such road shall not be more than a foot in thirteen feet, and a good and sufficient fence shall be made at the expense of the said Company on each side of every such bridge, not less than four feet above the surface of such bridge ; and that in all places where the said Rail-road shall cross any public highway on a level, the ledge or flange of the said Rail-road for the purpose of guiding the wheels of the carriages, or the rail itself, if there be no ledge or flange, shall not rise above nor sink below the level of such road more than one inch ; and that in all such places the said Company shall erect and at all times maintain a good and sufficient gate on each side of such Rail-road, where the said public highway shall communicate therewith, which gates shall be constantly kept shut

When Rail-road crosses a highway, the rail, &c., to be within one inch of the surface.

except at such time as they shall be required to be opened for the use of any person or persons using such public highway and desiring to cross the said Rail-road, and every person so using the said public highway and requiring the said gates to be opened for the purpose aforesaid, shall, and is hereby required to cause the said gates and each of them to be shut so soon as he shall have used the same respectively for the purpose aforesaid, under the penalty of five pounds currency in default thereof for every such offence, to be recovered in like manner as any other penalty under this Act may be recovered: Provided always, and be it enacted, That the said Company shall at each and every place where the Rail-road shall cross any highway on a level, erect and keep up a sign board stretching across the highway at such height as to leave sixteen feet from the highway to the lower edge of the sign board, and having the words "*Rail-way Crossing*" painted on each side of such sign board, in letters not less than six inches in length, and for each and every neglect to comply with the requirements of this section, the said Company shall incur a penalty not exceeding fifty pounds.

Precautions to be observed when the Railway crosses the highway on a level.

XV. And be it enacted, That after any lands or tenements shall be set out and ascertained in manner aforesaid for making and completing the said Rail-road, and other works and other purposes and conveniences hereby authorized, it shall and may be lawful for all bodies politic, corporations aggregate or sole, executors or administrators, mortgagees and all other trustees or persons whomsoever, not only for and on behalf of themselves, their heirs and successors, but also for and on behalf of those whom they represent, whether infants, issue unborn, lunatics, idiots, *femes-covert*, mortgagors, *cestuique trustent*, or other person or persons who are or shall be seized, possessed of or interested in any lands or tenements which shall be set out and ascertained as aforesaid, or any part thereof, to contract for and to sell and convey unto the said Company, their successors and assigns, all or any part of such lands or tenements, which shall from time to time be set out and ascertained as aforesaid, and that all contracts, agreements, sales, conveyances and assurances so to be made shall be valid and effectual in law to all intents and purposes whatsoever, any law, statute, usage or custom to the

After any lands have so been set out, all bodies corporate, &c., may sell their property therein to the Company.

contrary thereof in any wise notwithstanding; and all bodies politic, corporations aggregate or sole, and all persons whatsoever so conveying as aforesaid, are hereby indemnified for what he, she or they, or any of them shall respectively do by virtue of or in pursuance of this Act; and all such contracts, agreements, sales, conveyances and assurances, shall and may be registered by the said Company, in the Registry Offices of the respective Counties wherein such lands shall be respectively situated, upon a memorial thereof duly executed by any of the grantors named therein respectively, or by the Secretary of the said Company, in the name of, and on behalf of, and under the seal of the said Company, in like manner as any other conveyances of land may by law be registered.

Company may carry road through lands, and agree with the owners.

XVI. And be it enacted, That it shall be lawful for the said Company to apply to the several owners and occupiers of the lands and tenements and hereditaments through which the said Rail-road is intended to be carried, and to agree with such owners or occupiers respectively, touching the compensation to be paid to them by the said Company, for the purpose of the said Rail-road and other works, and for the respective damages of such owners and occupiers; and in case of disagreement between the said Company and the said owners or occupiers or any of them, or in case of the said Company being unable to ascertain who is or are the owner or owners of such lands, or in case of the absence of any such owners, or in case of any such owners or persons interested in any such lands or tenements being *femes-covert*, infants, idiots, lunatics, of unsound mind, or for any reason incapable of contracting with the said Company, or of conveying and assuring such lands to the said Company, or of releasing the said Company from all claims for such damages, then and in any of such cases it shall and may be lawful for the said Company to deposit such sums as they shall be willing to give for such lands and damages in the Court of Chancery, together with six months' interest thereon, in such manner as the said Court shall upon the motion of the said Company direct for the benefit of all persons, bodies corporate or communities interested in any of such lands, tenements, or hereditaments that shall or may be required by the said Company, and shall by the said Company be taken or affec-

In case of Proprietors of lands being *femes-covert* &c., price of lands may be deposited in Court of Chancery.

ted or prejudiced by the execution of any of the powers hereby granted; and immediately upon the payment or tender of such sum or sums as shall be contracted or agreed upon between the said Company and the several parties interested in any of such lands and upon payment of such sum or sums in respect of any such lands into the Court of Chancery as aforesaid, then such lands, tenements, hereditaments and premises respectively, may be immediately entered upon and taken possession of by the said Company, and shall be and become vested in the said Company and applied to the purpose of making, maintaining and repairing the said Rail-road and other works and conveniences thereto appertaining.

Proceedings to take place on such payment being made to the Court of Chancery.

XVII. And be it enacted, That upon such payment being made into the Court of Chancery as aforesaid, it shall be the duty of the said Company to cause a notice to be published for three months in some newspaper published in the District in which such respective pieces of land lie, or in case of there being no newspapers published in any such District, then such notice shall be published in some newspaper published in one of the Districts adjoining the District in which such lands shall lie; and such notice shall state the amount paid into the said Court of Chancery and the particular piece or parcel of land in respect of which such amount is so paid, and it shall and may be lawful for the owners or occupiers of such respective lands, tenements or hereditaments, or any of the persons interested therein, to summon the said Company at any time within twelve months from the first publication of such notice, to appear before the Chairman of the General Quarter Sessions of the Peace, at the then next Court of General Quarter Sessions, to be held in the District where such respective pieces or parcels of land shall lie, and the said complainant and the said Company may thereupon severally and respectively nominate and appoint any one Justice of the Peace in and for such District, who together with such Chairman, may enter upon and view the place or places in question, and shall take down in writing the evidence upon oath of such persons as may be brought before them to give evidence touching the matters in controversy, which oaths the Chairman is hereby authorized and required to administer, and the said Chairman and two Justices so appointed as

aforesaid, are hereby authorized to assess and ascertain the sum or sums of money to be paid by the said Company for the purchase of the said respective pieces of land and damages, and shall, in estimating the value of such respective pieces of land, and the amount of such damages, take into consideration any damage or inconvenience as well as any advantage or convenience which may accrue or arise to the respective owners and occupiers of or persons interested in such respective pieces of land, and the decision of such Chairman and Justices, or a majority of them, shall be final and conclusive between all parties whomsoever, and in the event of the amount so assessed or ascertained as the purchase money and damage in respect of such respective pieces or parcels of land being the same as or less than the amount paid into the said Court of Chancery in respect thereof, then the costs of the said Company incidental to such enquiry shall be deducted and paid out of the said sum so paid into the said Court of Chancery: but in case the amount so assessed or ascertained shall be greater than the sum so paid into the Court in respect of such respective pieces of land, it shall and may be lawful for the said Chairman to issue his warrant directed to the Sheriff of any of the Districts through which such Rail-road shall pass, requiring him to make the excess of such amount so assessed over and above the sum so paid into the said Court of Chancery, together with the costs attending the said enquiry, out of the goods, chattels and effects of the said Company, and the said Chairman is hereby authorized to tax the costs of both parties attending and incidental to the said enquiry:

Proviso. Provided always, that no greater fees or disbursements shall be allowed than are allowed upon proceedings in the said Court of General Quarter Sessions: And provided also, that the said Chairman shall be entitled to tax and allow to himself, and each of the said Justices, the sum of thirty shillings for every day during which they shall be engaged in such enquiry, and the evidence upon such enquiry, together with the judgment or decision given thereon, shall be filed of record in the said Court of General Quarter Sessions of the Peace, and the decision of the Chairman and Justices, or of the majority of them, shall be certified by the said Chairman under his hand and seal to the said Court of Chancery, and filed of record in the said Court of Chancery.

XVIII. And be it enacted, That the said Company, shall and they are hereby required at their own expense, after any lands shall be taken and used for the purposes of the said Rail-road and other works, to separate the same and to keep the same constantly separated from the lands adjoining to the said Rail-road and other works, with good and sufficient posts, rails, hedges, ditches, mounds or other fences, in case the owners of such lands adjoining to such Rail-road or other works, or any of them respectively, shall at any time desire the same to be fenced off, or in case the said Company shall think proper to fence off the same, and in case the lands on either side of the said Rail-road shall be owned or occupied by the same person, then to enable such person, his or her servants and workmen to cross the said Rail-road, the said Company shall make and maintain all necessary gates and stiles in all such fences to be made as aforesaid, all such gates being made to open towards such lands and not towards such Rail-road, and also all such bridges, arches or culverts as shall be necessary for the more commodious communication between the said lands on either side of the said Rail-road ; Provided always, that the power to cause such gates, stiles, bridges, arches and culverts to be erected at the expense of the said Company, shall cease after the expiration of two years from and after the completion of the said Railroad; And provided also, and be it enacted, That in every case in which the owner of any lands or other person or persons by this Act authorized and capacitated to convey, shall in their arrangements with the said Company have received or agreed to receive compensation for gates, stiles, bridges, arches or culverts, instead of the same being erected or found by the said Company for the purpose of facilitating the passage to or from either side of the land severed or divided by the said Rail-road, it shall not be lawful for any such owner, or those claiming under him, to pass, and they shall ever be prevented from passing or crossing the said Rail-road from one part to the other part of their lands so severed and divided otherwise than by a gate, stile, bridge, arch or culverts to be erected and maintained at the charge of such owners under the inspection and direction of and according to plans and specifications to be furnished and approved by the Engineer of the said Company.

Company to keep Rail-road seperate from lands adjoining thereto by ditches, fences, &c.

Proviso.

Penalty on persons obstructing Rail-road.

XIX. And be it enacted, That if any person shall, by any means, or in any manner or way whatsoever, obstruct or interrupt the free use of the said Rail-road, or the carriages, engines or other works incidental or relative thereto or connected therewith, such person shall, for every such offence, incur a forfeiture or penalty of not less than one pound five shillings, and not exceeding ten pounds, one half of which penalty or forfeiture, (to be recovered at the Court of General Quarter Sessions of the Peace of the District wherein such offence shall be committed), shall go to the prosecutor or informer, and the other half to the said Company.

All applications for indemnity for damage done under this Act to be made within a certain time.

XX. And be it enacted, That all suits for indemnity for any damage or injury sustained by reason of the powers and authority given by this Act, shall be brought within six calendar months next after the time of such supposed loss sustained, or in case there should be a continuation of damage, then within six calendar months next after the doing or committing such damage shall cease, and not afterwards, and the defendant or defendants shall and may plead the general issue, and give this Act and the special matter in evidence, at any trial to be had thereupon, and may aver that the same was done in pursuance and by authority of this Act.

General

Punishment of persons breaking down, obstructing or damaging the Rail-road or works of the Company.

XXI. And be it enacted, That if any person or persons shall wilfully and maliciously, and to the prejudice of the said Rail-road authorized to be made by this Act, break, throw down, damage or destroy the same or any part thereof, or any of the houses, warehouses, toll-houses, watch-houses, weigh-houses, weigh-beams, cranes, carriages, vessels, engines, inclined planes, machines, or other works or devices incidental and relative thereto or connected therewith, or do any other wilful hurt or mischief, or wilfully or maliciously obstruct or interrupt the free use of the said Rail-road, vessels or works, or shall obstruct, hinder or prevent the carrying on, completing, supporting and maintaining the said intended Rail-road, vessels or works, such person or persons shall be adjudged guilty of a misdemeanor, and the Court by and before whom such person or persons shall be tried and convicted, shall have power and authority to cause such person or persons to be pun-

ished in like manner as persons convicted of a misdemeanor are directed to be punished by the laws in force in this Province, or in mitigation thereof, to award such sentence as the law directs in cases of simple larceny, as to the Court shall seem fitting.

Company may borrow money.

XXII. And be it enacted, That the said Company may from time to time lawfully borrow, either in this Province or elsewhere, such sum or sums of money not exceeding at any time the sum of two hundred and fifty thousand pounds currency, as they may find it expedient, and at such rate of interest, not exceeding six per centum per annum, as they may think proper, and may make the bonds, debentures or other securities they shall grant for the sums so borrowed, payable either in currency or in sterling, and at such place or places within or without this Province as they may deem advisable, and may mortgage or pledge the lands, tolls, revenues or other property of the said Company for the due payment of the said sums and the interest thereon.

And grant mortgage.

Votes of proprietors according to the number of shares.

XXIII. And be it enacted, That the number of votes to which each proprietor of shares in the said undertaking shall be entitled on every occasion when, in conformity to the provisions of this Act, the votes of the members of the said Company are to be given, shall be in proportion to the number of shares held by him, that is to say: one vote for each share less than fifteen; Provided always, that no proprietor as aforesaid shall have more than fifteen votes, and all proprietors of shares, whether resident in this Province, may vote by proxy, if he, she or they shall see fit, provided that such proxy do produce from his constituent or constituents a notice in writing in the words or to the effect following, that is to say:

Proviso.

Form of appointment of proxy.

"I, , of
"one of the proprietors of the Toronto, Simcoe and Huron Rail-road,
"do hereby nominate, constitute and appoint
"of to be my proxy in my name,
"and in my absence to vote or give my assent or dissent to any busi-
"ness, matter or thing relating to the said undertaking that shall be
"mentioned or proposed at any Meeting of the Proprietors of the said
"undertaking, or any of them, in such manner as he, the said
" shall think fit, according to his opinion and judgment,
"for the benefit of the said undertaking or any thing appertaining
"thereto. In witness whereof, I have hereunto set my hand and seal,
"the day of
"in the year one thousand eight hundred ."

And such vote or votes, by proxy, shall be as valid as if such principals had voted in person; and whatever question, election of proper officers, matters or things shall be proposed, discussed or considered in any public meeting of the proprietors to be held by virtue of this Act, shall be determined by the majority of votes and proxies then present and so given as aforesaid, and all decisions and acts of any such majority shall bind the said Company, and be deemed the decision and acts of the said Company; Provided always, and be it enacted, that no proprietor who shall not be a natural born subject of Her Majesty, or a subject of Her Majesty naturalized under an Act of the British Parliament or an Act of the Parliament of this Province, shall be elected President or Treasurer of the said Company.

None but British subjects to be President or Treasurer.

Shareholders not liable for debts of Corporation.

XXIV. And be it enacted, That no Shareholders in the said Company shall be in any manner whatsoever liable or charged for any debt or demand due by the said Company beyond the payment or the extent of his, her or their share in the capital of the said Company not paid up.

First general meeting of proprietors to be held in Toronto.

XXV. And be it enacted, That when and as soon as the shares in the said Stock shall be disposed of by the distribution of the said allotment or allotments, it shall be lawful for any ten of the holders of shares in the said Company, holding among them at least two hundred shares, to call a meeting at the City of Toronto of the holders of such shares for the purpose of electing Directors, other than those hereinbefore named and appointed; Provided always, that in any case public notice of the time and place of holding such meeting shall be given during one month in two of the newspapers published in the said City of Toronto; and at such general meeting the Proprietors assembled with such proxies as shall be present, shall choose eleven persons, being each a Proprietor of not less than twenty shares in the said undertaking, to be Directors of the said Company in such manner as is hereinafter directed, and shall also proceed to pass such Rules and Regulations and By-laws as shall seem to them fit, provided they be not inconsistent with this Act.

To elect a Board of Directors.

In the month of June in each year a

XXVI. And be it enacted, That the Directors so elected, (or those appointed in their stead in case of vacancy,) shall remain in

office until the first Monday in the month of June next following; after the distribution of the said allotments, and that on the said first Monday in June, and on the first Monday in June in each year thereafter, or on such other day as shall be appointed by any By-law, an annual general meeting of the said Proprietors shall be held at the office of the Company, for the time being, to choose Directors in the room of those whose office may at that time become vacant, and generally to transact the business of the Company; but if at any time it shall appear to any ten or more of such Proprietors holding together two hundred shares at least, that for more effectually putting this Act in execution, a special general meeting of Proprietors is necessary to be held, it shall be lawful for such ten or more of them to cause fifteen days notice at least to be given thereof, in two public newspapers as aforesaid, or in such manner as the Company shall by any By-law direct or appoint, specifying in the said notice the time and place and the reason and intention of such special meeting respectively; and the proprietors are hereby authorized to meet pursuant to such notices, and proceed to the execution of the powers by this Act given them with respect to the matters so specified only; and all such acts of the Proprietors or the majority of them at such special meetings assembled, such majority not having either as principal or proxies less than two hundred shares, shall be as valid to all intents and purposes as if the same were done at annual meetings; Provided always, that it shall and may be lawful for the said Directors, in case of the death or absence, resignation or removal of any person elected a Director, to manage the affairs of the said Company, in manner aforesaid to appoint another or others in the room or stead of those of the Directors who may die or be absent, resign or be removed as aforesaid; any thing in this Act to the contrary notwithstanding; but if such appointment be not made, such death, absence or resignation shall not invalidate the acts of the remaining Directors.

Board of Directors to be elected.

Special Meeting of Proprietors may be called.

Quorum at such General Meeting.

Proviso: vacancies among the Directors may be filled.

XXVII. And be it enacted, That at each of the said annual meetings of the Proprietors, three of the said eleven Directors shall retire in rotation, the order of retirement of the said first elected eleven Directors being decided by lot; but the Directors then or at any subsequent time retiring shall be eligible for re-election;

Three Directors shall annually retire, but may be re-elected.

Proviso. Provided always, that no such retirement shall have effect unless the Proprietors shall at such annual meeting proceed to fill up the vacations thus occurring in the Direction.

Directors to elect a President. XXVIII. And be it enacted, That the Directors shall at their first (or at some other) meeting after the day appointed for the annual general meeting in each year, elect one of their members to be the President of the said Company, who shall always (when present) be the Chairman of and preside at all meetings of the Directors, and shall hold his office until he shall cease to be a Director, or until another President shall be elected in his stead, and the said Directors may in like manner elect a Vice-President who shall act as Chairman in the absence of the President.

And Vice-President.

Five Directors to be a quorum for business. XXIX. And be it enacted, That any meeting of the said Directors, at which not less than five Directors shall be present shall be a *quorum*, and shall be competent to use and exercise all and any of the powers hereby vested in the said Directors:

Proviso. Provided always, that no one Director, though he may be a Proprietor of many shares, shall have more than one vote at any meeting of the Directors, except the President and Vice-President when acting as Chairman, or any temporary Chairman who in case of the absence of the President and Vice-President, may be chosen by the Directors present, either of whom when presiding at a meeting of the Directors shall, in case of a division of equal numbers, have the casting vote, although he may have given one vote before; And provided also, that such Directors shall from time to time be subject to the examination and control of the said annual and special meetings of the said Proprietors as aforesaid, and shall pay due obedience to all By-laws of the said Company and to such orders and directions in and about the premises as they shall from time to time receive from the said Proprietors at such annual or special meetings; such orders and directions not being contrary to the special directions or provisions in this Act contained; And provided also, that the Act of any majority of a *quorum* of the Directors present at any meetings regularly held, shall be deemed the act of the Directors.

Casting vote of Chairman.

Proviso: Directors subject to the control of the meeting.

Proviso: Acts of a majority of quorum to be valid.

No officer of XXX. Provided always, and be it enacted, That no person

holding any office, place or employment or being concerned or interested in any contract or contracts under the said Company, shall, after the distribution of the said allotments, be capable of being chosen a Director or of holding the office of Director.

Company or contractor to be Director.

XXXI. And be it enacted, That every such annual meeting shall have power to appoint, not exceeding three Auditors, to audit all accounts of money laid out and disbursed on account of the said undertaking, by the Treasurer, Receiver or Receivers and other officer or officers to be by the said Directors appointed, or by any other person or persons whatsoever, and employed by or concerned for or under them in and about the said undertaking, and to what end the said Auditors shall have power to adjourn themselves over from time to time, and from place to place as shall be thought convenient by them; and the said Directors chosen under the authority of this Act, shall have power from time to time to make such call or calls of money from the Proprietors of the said Rail-road and other works, to defray the expense of or to carry on the same as they from time to time find wanting and necessary for these purposes; Provided, however, that no call do exceed the sum of ten shillings current money of this Province for every share of five pounds; And provided also, that no call be made but at the distance of one calendar month from each other, and such Directors shall have full power and authority to direct and manage all and every the affairs of the said Company, as well in contracting for and purchasing lands, rights and materials for the use of the said Company, as in employing, ordering and directing the work and workmen, and in placing and removing under officers, clerks, servants and agents, and in making all contracts and bargains touching the said undertaking, and to affix or authorize any person to affix the common seal of the Company to any act, deed, By-laws, notice or other document whatsoever, and any such act, deed, By-laws, notice or other document, bearing the common seal of the Company and signed by the President, Vice-President or any Director or Directors shall be deemed the act of the Directors of the said Company, nor shall the authority of the signer of any document purporting to be signed and sealed to sign and affix the said seal thereto be liable to be called in question by any party except the

Annual meeting to appoint Auditors.

Power of Directors to make calls.

Proviso.

How calls to be made.

As to powers of Directors.

Company, and the Directors shall have such other and further powers as, being vested in the Company by this Act, shall be conferred upon the said Directors by the By-laws of the Company.

Shareholders bound to pay calls.

XXXII. And be it enacted, That the owner or owners of one or more shares in the said undertaking, shall pay his, her or their shares and proportion of the moneys to be called for as aforesaid to such person or persons, and at such time and place as the said Directors shall from time to time appoint and direct, of which three weeks notice at least shall be given in two newspapers as aforesaid, or in such other manner as the said Proprietors or their successors shall by any By-law direct or appoint; and in case such person or persons shall neglect to pay his, her or their rateable calls as aforesaid for the space of two calendar months after the time appointed for the payment thereof as aforesaid, then he she or they shall forfeit his, her or their respective share or shares in the said undertaking, and all the profit and benefit thereof, all which forfeiture shall go to the rest of the Proprietors of the said undertaking, their successors and assigns, for the benefit of the said Proprietors, in proportion to their respective interests, and in every case such calls shall be payable with interest from the time the same shall be so appointed to be paid until the payment thereof.

Forfeiture for not paying calls.

No advantage taken of any forfeiture unless declared at a General meeting.

XXXIII. Provided always, and be it enacted, That no advantage shall be taken of the forfeiture of any share or shares of the said undertaking, unless the same shall be declared to be forfeited at some annual or special meeting of the said Company, assembled after such forfeiture shall be incurred, and every such forfeiture shall be an indemnification to and for every proprietor so forfeiting, against all action and actions, suit, or suits or prosecutions whatsoever to be commenced or prosecute for the breach of contract or other agreement between such proprietor and the other proprietors with regard to carrying on the said Rail-road or undertaking.

Proprietors may remove any person chosen upon such Board of Directors, and may

XXXIV. And be it enacted, That the said Company shall always have power and authority at any general meeting assembled as aforesaid, to remove any person or persons chosen upon such Board of Directors as aforesaid, and to elect others to be

Directors in the room of those who shall die, resign or be removed, and to remove any other officer or officers under them, to revoke, alter, amend or change any of the By-laws or Orders prescribed with regard to their proceedings amongst themselves (the method of calling general meetings, and their time and place of assembling, and manner of voting and appointing Directors only excepted,) and shall have power to make such new Rules, By-laws and Orders for the good government of the said Company, and their servants, agents or workmen, for the good and orderly making and using the said Rail-road, and all other works connected therewith or belonging thereto, as hereby authorized, and for the well-governing of all persons whatever travelling upon or using the said Rail-road and other works or transporting any goods wares, merchandize or other commodities thereon and by such By-laws to impose and inflict such fines or forfeitures upon the persons guilty of a breach of such By-laws or Orders, as to such general meeting shall seem meet, not exceeding the sum of Five pounds, current money of this Province, for every offence, such fines or forfeitures to be levied and recovered by such ways and means as are hereinafter mentioned, which said By-laws and Orders shall be put into writing under the common seal of the said Company, and shall be kept in the office of the Company and a printed or written copy of so much of them as relate to or affect any party other than the members or servants of the Company, shall be affixed openly in all and every of the places where tolls are to be gathered, and in like manner as often as any change or alteration shall be made to the same, and the said By-laws and Orders so made and published as aforesaid shall be binding upon and observed by all parties, and shall be sufficient in any Court of Law or Equity to justify all persons who shall act under the same, and any copy of the said By-laws, or any of them certified as correct by the President or some person authorized by the Directors to give such certificate, and bearing the common seal of the said Company, shall be deemed authentic, and shall be received as evidence of such By-laws in any Court without further proof.

elect others in case of death, &c.

And make By-laws.

Penalties under By-laws limited.

By-laws to be in writing and published.

Certified copies to be evidence.

XXXV. And be it enacted, That it shall and may be lawful to and for the several proprietors of the said Rail-road or under-

Proprietors may dispose of their

shares and how.

taking, to sell or dispose of his, her or their share or shares therein, subject to the rules and conditions herein mentioned, and every purchaser shall have a duplicate of the deed of bargain and sale and conveyance made unto him or her, and one part of such deed duly executed by seller and purchaser, shall be delivered to the said Directors or their Clerk for the time being, to be filed and kept for the use of the said Company, and an entry thereof shall be made in a book or books to be kept by the said Clerk for that purpose, for which no more than one shilling and three pence shall be paid, and the said Clerk is hereby required to make such entry accordingly, and until such duplicate of such deed shall be delivered to the said Directors or their Clerk, and filed and entered as above directed, such purchaser or purchasers shall have no part or share of the profits of the said undertaking, nor any interest for the said share or shares paid unto him, her or them, nor any vote as a proprietor or purchaser.

Form of transfer of shares.

XXXVI. And be it enacted, That the sale of the said shares shall be in the form following, varying the names and descriptions of the contracting parties as the case may require :

"I, A. B., in consideration of the sum of paid by
"C. D. of do hereby bargain, sell, and transfer to the
"said C. D. share (*or* shares) of the stock of the
"Toronto, Simcoe and Huron Rail-road Company ; to hold to him the
"said C. D. his executors, administrators and assigns, subject to the
"same rules and orders, on the same conditions that I held the same
"immediately before the execution hereof ; and I, the said C. D., do
"hereby agree to accept of the said share (*or*
"shares) subject to the same rules, orders and conditions.
"Witness our hands and seals, this day of
"in the year one thousand eight ."

Proviso.

Provided always, that no such transfer of any share shall be valid until all calls or instalments then due thereon shall have been paid up.

Directors to appoint a Treasurer and Clerks.

XXXVII. And be it enacted, That it shall and may be lawful to and for the said Directors and they are hereby authorized from time to time, to nominate and appoint a Treasurer or Treasurers, and a Clerk or Clerks to the said Company, taking such security for the due execution of their respective offices as the Directors shall think proper, and such Clerk shall, in a proper book or books, enter and keep a true and perfect account of the names

Duty of the Clerk.

and places of abode of the several proprietors of the said Rail-road or other works, and of the several persons who shall, from time time, become owners and proprietors of or entitled to any share or shares therein, and of the other acts, proceedings and transactions of the said Company and of the Directors for the time being, by virtue of and under the authority of this Act.

Proprietors may establish Tolls for all goods, &c. passing on the Railroad.

XXXVIII. And be it enacted, That it shall and may be lawful to and for the said Company, from time to time, and at all times hereafter, to ask, demand, take and recover to and for their own proper use and behoof, for all goods, wares, merchandize and commodities of whatever description, transported upon the said Rail-road, such tolls as they, with the approbation of the Governor, or person administering the Government for the time being, may deem expedient, which said tolls shall, from time to time, be fixed and regulated by By-laws of the Company, or by the Directors, if thereunto authorized by the said By-laws, and shall be paid to such person or persons, and at such place or places near to the said Rail-road, in such manner and under such regulations as the said Company or the said Directors shall direct and appoint, and in case of denial or neglect of payment of any such rates or dues or any part thereof on demand, to the person or persons appointed to receive the same as aforesaid, the said Company may sue for and recover the same in any Court having competent jurisdiction, and the person or persons to whom the said rates or dues ought to be paid, may, and he is and they are hereby empowered to seize and detain such goods, wares, merchandize or other commodities for or in respect whereof, such rates or dues ought to be paid, and detain the same until payment thereof, and in the meantime the said goods, wares, merchandize or other commodities shall be at the risk of the owner or owners thereof, and the said Company or the said Directors shall have full power, from time to time, at any general meeting, with the like approbation aforesaid, to lower or reduce all or any of the said tolls, and again to raise the same as often as it shall be deemed necessary for the interest of the said undertaking: Provided always, that the said tolls shall be, at all times, charged equally to all persons after the same rate in respect of all passengers, and of all goods or carriages of the same description, and

How tolls may be recovered if not paid.

Seizure of goods, &c.

Tolls may be lowered and again raised.

Proviso: against monopoly.

conveyed or propelled by a like carriage or engine passing over the same portion of the line of Rail-road under the same circumstances, and no reduction or advance in any such tolls shall be made directly or indirectly in favour of or against an particular Company, person or party travelling upon or using the Rail-road, or so as collusively or unfairly to create a monopoly either in the hands of the said Company or of any other Company, person or party.

Accounts of profit to be annually made up and balanced.

XXXIX. And in order to ascertain the amount of the clear profits of the said undertaking, Be it enacted, That the said Company or the Directors of the said Company shall, and they are hereby required to cause a true, exact and particular account to be kept and annually made up and balanced on the thirty-first day of December in each year, of the money collected and received by the said Company or by the Directors or Treasurer of the said Company, or otherwise, for the use of the said Company by virtue of this Act, and of the charges and expences attending the erecting, making, supporting, maintaining and carrying on their works, and of all other receipts and expenditures of the said Company or the said Directors : And at the General Meetings of the proprietors of the said undertaking to be from time to time holden as aforesaid, a dividend shall be made out of the clear profits of the said undertaking, unless such meetings shall declare otherwise, and such dividend shall be at and after the rate of so much per share upon the several shares held by the proprietors in the Joint Stock of the said Company as such meeting or meetings shall think fit to appoint or determine ; Provided always, that no dividend shall be made whereby the Capital of the said Company shall be in any degree reduced or impaired, nor shall any dividend be paid in respect of any share after a day appointed for payment of any call for money in respect thereof until such call shall have been paid.

Dividends to be made from time to time at General Meetings.

Proviso : Capital not to be impaired.

Fractions in miles in weights of goods in ascertaining rates how regulated.

XLI. Provided always, and be it enacted, That in all cases where there shall be a fraction in the distance which goods, wares, merchandize or other commodities or passengers shall be conveyed or transported on the said Rail-road, such fraction shall, in ascertaining the said rates, be deemed and considered as a

whole mile, and that in all cases where there shall be the fraction of a ton, in the weight of any such goods, wares, merchandize, and other commodities, a proportion of the said rates shall be demanded and taken by the said Company of Proprietors to the number of quarters of a ton, contained therein, and in all cases where there shall be a fraction of a quarter of a ton, such fraction shall be deemed and considered as a whole quarter of a ton.

Proprietors may at General Meeting make By-laws for fixing price for carriage of parcels by the Railroad.

XLI. Provided always, and be it enacted, That it shall and may be lawful to and for the Directors of the said Company, from time to time, with the like approbation aforesaid, to make such regulations for ascertaining and fixing the price, or sum or sums of money, to be charged or taken for the carriage of any parcel, not exceeding one hundred and twenty pounds weight as aforesaid, upon the said Rail-road or any part thereof, as to them shall seem fit and reasonable, and that the said Company shall, from time to time, print and stick up, or cause to beprinted and stuck up in their office, and in all and every of the places where the tolls are to be collected, in some conspicuous place there, a printed board or paper showing all the tolls payable under this Act, and particularising the sum or sums of money to be charged or taken for the carriage of such parcels not exceeding one hundred and twenty pounds in weight as aforesaid.

Table of Tolls to be publicly affixed.

Provisions as to the carriage of Her Majesty's Mail, &c.

XLII. Provided always, and be it enacted, That the said Company shall at all times, when thereunto required by Her Majesty's Deputy Post Master General, the Commander of the Forces, or any person having the Superintendence or command of any Police Force, carry Her Majesty's Mails, Her Majesty's Naval or Military Forces or Militia, and all artillery, ammunition, provisions or other stores for their use, and all policemen, constables and others, travelling on Her Majesty's service, on the said Rail-way, on such terms and conditions, and under such regulations as the Governor or Person administering the Government shall, in Council, appoint and declare: Provided always, that any further enactments which the Legislature of this Province may hereafter deem it expedient to make, with regard to the carriage of the said Mails or Her Majesty's Forces, and other persons and articles as aforesaid, or the rates to be paid for carrying the same, or in any way respecting the use of any Electric Telegraph, or other service to be rendered

Proviso: Legislature may make further provisions.

by the Company to the Government, shall not be deemed an infringement of the privileges intended to be conferred by this Act.

Company to have Rail-road measured and miles marked.

XLIII. And be it enacted, That as soon as conveniently may be after the said Rail-road shall be completed, the said Company shall cause the same to be measured, and stones, or posts, with proper inscriptions on the sides thereof denoting the distance, to be erected and forever after maintained at a distance of every mile from each other.

Treasurer, Receiver and Collector to give security.

XLIV. And be it enacted, That the said Company shall and are hereby required and directed to take sufficient security by one or more bond or bonds, in a sufficient penalty or penalties from their Treasurer, Receiver and Collector for the time being, of the moneys to be raised by virtue of this Act, for the faithful execution by such Treasurer, Receiver and Collector of his and their office and offices resectively.

Fines under this Act how to be recovered.

XLV. And be it enacted, That all fines and forfeitures imposed by this Act, which shall be lawfully imposed by any By-law to be made in pursuance thereof, (of which By-law when produced, all Justices are hereby required to take notice,) the levying and recovering of which fines and forfeitures are not particularly herein directed, shall upon proof of the offence before any one or more Justice or Justices of the Peace, for any of the Districts through which the said Railroad shall pass, either by the confession of the party or parties, or by the oath of affirmation of any one creditable witness, (which oath or affirmation such Justice or Justices are hereby empowered and required to administer without fee or reward,) be levied by distress and sale of the offender's goods and chattels by warrant under the hand and seal or hands and seals of such Justice or Justices, and all such fines, forfeitures or penalties by this Act imposed or authorized to be imposed, the application whereof is not hereinbefore particularly directed, shall be paid into the hands of the Treasurer or receiver of the moneys to be raised by virtue of this Act, and shall be applied and disposed of for the use of the said Rail-road or undertaking, and the overplus of the money raised by such distress and sale, after deducting the penalty and the expenses of levying and recovering thereof, shall be rendered to the owner of the

Levy by distress and sale of goods and chattels.

goods so distrained and sold; for want of sufficient goods and chattels whereof to levy, the said offender shall be sent to the common gaol for any of such Districts, there to remain without bail or mainprize for such term not exceeding one month as such Justice or Justices shall think proper, unless such penalty and forfeiture and all expenses attending the same shall be sooner paid and satisfied. Imprisonment for want of sufficient chattels.

XLVI. And be it enacted, That if any person or persons shall think himself or herself or themselves aggrieved by any thing done by any Justice or Justices of the Peace in pursuance of this Act, such person or persons may, within four calendar months after the doing thereof, appeal to the Justices of the Peace at the General Quarter or General Sessions to be holden in and for the District. Persons aggrieved may appeal to the general sessions.

XLVII. And be it enacted, That if any action or suit shall be brought or commenced against any person or persons for any thing done or to be done in pursuance of this Act, or in the execution of the powers and authorities or of the orders and directions hereinbefore given or granted, every such action or suit shall be brought or commenced within six calendar months next after the fact committed, or in the case there shall be a continuation of damage, then within six calendar months next after the doing or committing such damage shall cease, and not afterwards; and the Defendant or Defendants in such action or suit, shall and may plead the general issue, and give this Act and the special matter in evidence at any trial to be held thereupon, and that the same was done in pursuance and by the authority of this Act; and if it shall appear to have been so done, or if any action or suit shall be brought after the time so limited for bringing the same, or if the Plaintiff or Plaintiffs shall be non-suited, or discontinue his, her or their action or suit, after the Defendant or Defendants shall have appeared, or if judgment shall be given against the Plaintiff or Plaintiffs, the Defendant or Defendants shall have full costs, and shall have such remedy for the same as any Defendant or Defendants hath or have for costs of suit in other cases by law. Limitation of actions for things done in pursuance of this Act. General issue. Costs to Defendant if Plaintiff fail.

XLVIII. And be it enacted, That any contravention of this Act by the said Company or any other party, for which no punishment or penalty is herein provided, shall be a misdemeanor, Any contravention of this Act not otherwise punishable

to be a misdemeanor.

and shall be punished accordingly, but such punishment shall not exempt the said Company (if they be the offending party) from the forfeiture of this Act, and the privileges hereby conferred on them, if, by the provisions thereof, or by law, the same be forfeited by such contravention.

Her Majesty may assume the Rail-way on certain conditions.

XLIX. And be it enacted, That Her Majesty, Her Heirs and Successors, may at any time before or after the said Rail-road is completed assume the possession and property thereof, and of all the property which the said Company is hereby empowered to hold, and shall then have all the right, privileges and advantages vested by this Act in the said Company, (all which after such assumption shall be vested in Her Majesty, Her Heirs and Successors) on giving to the said Company, three months notice of the intention to assume the same, and on paying to the said Company, within three months of the expiration of such notice, the whole amount of their Capital Stock then paid up and expended, with interest at ten per centum on the paid up capital, from the time of the paying up of the same until the time of the opening of the said Rail-way.

Company annually to submit to the Legislature detailed account.

L. And be it enacted, That the said Company shall annually submit to the three branches of the Legislature within the first fifteen days after the opening of each Session of the Provincial Parliament, after the opening of the said Rail-road or any part thereof to the public, a detailed and particular account, attested upon oath, of the moneys by them received and expended, under and by virtue of this Act, with a classified statement of the amount of tonnage and of passengers that have been conveyed along the said Rail-road, and no further provisions which the Legislature may hereafter make with regard to the form or details of such account, or the mode of attesting or rendering the same, shall be deemed an infringement of the privileges hereby granted to the Company.

Company not to be exempt from the operation of any general Railway Act.

LI. And be it enacted, That nothing herein contained shall be construed to exempt the Rail-road by this Act authorized to be made, from the provisions of any General Act relating to Rail-ways which may be passed during the present or any future Session of Parliament.

LII. And be it enacted, that nothing herein contained shall affect or be construed to affect in any manner or way whatsoever the rights of Her Majesty, Her Heirs and Successors, or of any person or persons, or of any bodies politic, corporate or collegiate, such only excepted as are herein mentioned. Saving of Her Majesty's rights and those of all other persons.

LIII. And be it enacted, That the Survey, Map and Book of Reference hereinbefore mentioned, shall be made, and the said Map and Book of Reference shall be deposited within three years from the passing of this Act, and the said Rail-road hereby authorized shall be completed within ten years from the passing of this Act, or else, every matter and thing herein contained shall be and become absolutely null and void as to so much of the said line of Rail-road as shall not then be completed. Railroad to be completed within ten years. Penalty.

LIV. And be it enacted, That this Act shall be deemed and taken to be a Public Act, and as such shall be judicially taken notice of by all Judges, Justices of the Peace and others, without being specially pleaded. Public Act.

ACT, 13 & 14 VIC.,

CAP. CXXXI.

An Act to amend the Act intituled, *An Act to incorporate the Toronto, Simcoe, and Lake Huron Union Rail-road Company.* [10*th August*, 1850.]

WHEREAS the Corporation now known as the *Toronto, Simcoe, and Huron Rail-road Union Company*, have, by their petition, prayed that their Act of Incorporation may be amended in the manner hereinafter mentioned, and it is expedient to grant their prayer: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted, by the authority of the same, That for and notwithstanding any thing in the Act passed in the twelfth year of Her Majesty's Preamble. Name of Company and Road

altered by substituting "Ontario" for "Toronto."

12 V. c. 196, cited.

Reign, and intituled, *An Act to incorporate the Toronto, Simcoe and Lake Huron Union Rail-road Company*, the name of the Corporation created by that Act shall henceforth be the *Ontario, Simcoe, and Huron Rail-road Union Company*, and not the "Toronto, Simcoe, and Huron Rail-road Union Company," as in the said Act mentioned; and the road to be made by the said Company shall hereafter be called the "Ontario, Simcoe and Huron Union Rail-road," and not the "Toronto, Simcoe and Huron Union Rail-road," as in the said Act mentioned; Provided always, that nothing herein contained shall be construed to make the said Corporation a new Corporation, or to make void or impair the effect of any proceeding, deed, instrument or writing, in which the Directors of the Company, or the said Corporation, shall be designated by the name assigned in the said Act, but such proceeding, deed, instrument or writing, shall and may hereafter be continued, construed, and have effect, as if the name hereby assigned to the said Corporation or Rail-road had been assigned to it by the said Act, and were inserted in such proceeding, deed, instrument or writing, instead of the name therein used.

Proviso.

Within what limits the Rail-road may be made.

II. And be it enacted, That for and notwithstanding any thing in the said Act, the Directors therein appointed, and their successors, shall have full power and authority to make and complete the said Rail-road, from any point on Lake Ontario, West of the Township of Darlington, in the County of York, to any point on the Southerly shore of Lake Huron, and touching at the Town of Barrie, or at some point on the shore of Lake Simcoe; and the said Act shall be construed and have effect as if the limits hereby assigned as those within which the said Rail-road is to be constructed, had been inserted in, and assigned by, the said Act for that purpose, instead of those mentioned in the said Act.

Five Directors to be a quorum.

III. And be it enacted, That in every case in which power is given by the said Act to the Directors, or to any majority of the Directors of the said Company, to do any act or thing, such act or thing may be validly done by any five of the said Directors, or by any majority of the Directors at any meeting at which five or more Directors shall be present.

ACT, 12 & 13 VIC., CAP. XXIX.

An Act to provide for affording the Guarantee of the Province to the Bonds of Rail-way Companies on certain conditions, and for rendering assistance in the construction in the Halifax and Quebec Rail-way. [30*th May*, 1849.]

[The parts relating to Halifax and Quebec omitted.]

Preamble

WHEREAS at the present day, the means of rapid and easy communication by Railway, between the chief centres of population and trade in any country and the more remote parts thereof, are become not merely advantageous, but essential to its advancement and prosperity; And whereas experience has shown, that whatever be the case in long settled, populous and wealthy countries, in those which are new and thinly peopled and in which capital is scarce, the assistance of Government is necessary and may be safely afforded to the construction of lines of Rail-way of considerable extent; and that such assistance is best given by extending to Companies engaged in constructing Rail-ways of a certain length, under Charter from, and consequently with the approval of the Legislature, the benefit of the guarantee of the Government, under proper conditions and restrictions, for loans raised by such Companies to enable them to complete their work: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower-Canada, and for the Government of Canada;* and it is hereby enacted by the authority of the same, That it shall be lawful for the Governor in Council, on behalf of this Province, to guarantee the interest on loans to be raised by any Company chartered by the Legislature of this Province for the construction of a Line of Rail-way not less than seventy-five miles in extent, within this Province, on condition,— That the rate of interest guaranteed shall not exceed six per cent. per annum,—that the sum on which interest shall be so guaranteed shall not be greater than that expended by the Company before the guarantee is given, and shall be sufficient to complete

Guarantee of the Province may be granted to loans raised by Rail-way Companies on certain conditions.

their road in a fitting manner, and to the satisfaction of the Commissioners of Public Works, provided always, that no such guarantee be given to any Company until one-half of the entire line of Road shall have been completed,—that the payment of the interest guaranteed by the Province shall be the first charge upon the Tolls and profits of the Company, and that no dividend shall be declared so long as any part of the said interest remains unpaid,—that so long as any part of the principal on which interest is guaranteed by the Province remains unpaid, no dividend shall be paid to the Stockholders, until a sum equal to three per cent. on the amount so remaining unpaid, shall have been set aside from the surplus profits of such Rail-road, and paid over to the Receiver-General under the provisions hereinafter contained as a Sinking Fund for the redemption of the debt on which interest is guaranteed as aforesaid,—and that the Province shall have the first hypothec, mortgage and lien upon the Road, Tolls and Property of the Company for any sum paid or guaranteed by the Province, excepting always, the hypothec, mortgage or lien of holders of bonds or other securities on which interest is guaranteed by the Province, for the interest so guaranteed and the principal on which it shall accrue.

First hypothec and privilege in favor of the Province.

Rail-way Companies receiving such guarantee to render half yearly accounts to the Inspector General, attested on oath.

II. And be it enacted, That each Rail-way Company, deriving any aid or advantage under this Act, shall make up and render to the Inspector-General of Public Accounts of this Province, each half year, a true account in writing of the affairs of such Company, in such form and with such particulars as the said Inspector-General shall from time to time require, which said Accounts shall be signed by the President and the Directors of the said Company, or a quorum of that body, and shall be sworn to by the parties signing the same before one of the Judges of the Superior Courts of common law jurisdiction in Upper-Canada, or one of the Judges of the Court of Superior Civil Jurisdiction in Lower-Canada, and the said Company or the proper officer thereof shall, within ten days after the rendering of such account, pay over such amount as may be payable under the provisions of this Act to the Receiver-General of this Province.

Sinking Fundmonies how to be

III. And be it enacted, That the sum or sums of money hereinbefore provided to be taken from the surplus profits of any

Rail-road as a Sinking Fund, shall be invested by the Inspector-General of this Province in such securities of this Province as may be approved by the Governor in Council; Provided always, that it shall be lawful for the Directors of any such Company to make such By-laws as may be requisite to prevent the provision of this Act in respect of such Sinking Fund from bearing unequally upon any class of Stockholders. Invested. Proviso.

IV. And be it enacted, That, provided the conditions mentioned in the foregoing Section be observed, it is expedient that such guarantee be afforded under such further terms and conditions as may be deemed necessary by the Governor in Council and agreed to by the Company applying for such guarantee, it being clearly understood, that no enactments which the Legislature may thereafter make, to ensure the observance of such terms and conditions, or to give effect to the privileged claim and lien of the Province upon the Road, Tolls and Property of the Company, or to secure the Province from loss by such guarantee, shall be deemed an infringement of the rights of the Company. Further conditions may be agreed upon by the Governor in Council and the Company.

ACT, 14 & 15 Vic,

CAP. LXXIII.

An Act to make provision for the construction of a Main Trunk Line of Rail-way throughout the whole length of this Province. [30*th August*, 1851.]

[Extracts having reference to the Ontario, Simcoe and Huron Railroad Union Company.]

WHEREAS it is of the highest importance to the progress and welfare of this Province, that a Main Trunk Line of Rail-way should be made throughout the length thereof, and from the Eastern frontier thereof, through the Provinces of New Brunswick and Nova Scotia, to the City and Port of Halifax, and it is therefore expedient that every effort should be made to ensure the construction of such Rail-way, whilst as an act of justice to those who have advanced their money upon Provincial Securities, and as the best means of sustaining the credit of the Province, and of readily commanding such further pecuniary assistance as may from time to time become necessary for great Provincial Works of Internal Communication, it is expedient that the Pro- Preamble.

vincial Parliament should pledge itself not to allow the Public Debt and Liabilities of the Province to be increased, except in the cases and under the conditions hereinafter mentioned: Be it therefore declared and enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtueof and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Goverment of Canada*, and it is hereby declared and enacted by the authority of the same, That excepting only as regards such sum as may be raised for the purposes of this Act, under the authority and guarantee of the Parliament of the United Kingdom, and as regards the guarantee of the Province to be given under the Act passed in the twelfth year of Her Majesty's Reign, and intituled, *An Act to provide for affording the guarantee of the Province to the Bonds of Rail-way Companies on certain conditions, and for rendering assistance in the construction of the Halifax and Quebec Rail-way*, for the interest only of debentures issued or to be issued by the St. Lawrence and Atlantic Rail-road Company, the Great Western Rail-way Company, or the Ontario, Simcoe and Huron Rail-road Union Company, on the conditions in the said Act, and hereinafter mentioned, the Public Debt and Liabilities of this Province shall not be increased under this Act, nor will the Provincial Parliament hereafter authorize the increase thereof without the consent of the Agents through whom loans may have been negotiated in England, or the previous offer to pay off all debentures then outstanding, and the actual payment or all such as shall be presented for payment pursuant to such offer, at the place therein appointed, within one month from the first publication thereof in the London Official Gazette, in which it shall be published during the period aforesaid, at least; and the expenditure hereinafter authorized shall not be made, nor the liabilities hereinafter mentioned incurred on behalf of the Province, except only in so far as it may be found practicable to make or incur the same, or any part thereof, without increasing the debt or liabilities of the Province, otherwise than in the cases and under the conditions aforesaid.

In what cases and on what conditions only, the Public Debt and liabilities may be increased.

12 Vic. c. 20

Recital.

XVI. And whereas, although it is highly desirable to afford every possible encouragement to the construction of Rail-ways in all parts of the country, yet for the purpose of confining the liabilities of the Province within proper limits, and at the same time ensuring effectual aid to those undertakings which are most necessary to its progress and developement, it is expedient to restrict the provisions of the Rail-way Guarantee Act hereinbefore cited, in the manner hereinafter provided: Be it therefore enacted, That the guarantee offered by the said Act, and all the provisions of the said Act relative to such guarantee, shall be and are hereby restricted and confined to those Rail-roads which may form part of the said Main Trunk Line (in case of any part thereof being constructed by private Companies,) and to the St. Lawrence and Atlantic Rail-road which has already received the said guarantee, and forms part of the said Main Trunk Line,—the Great Western Rail-road which has been commenced and partly constructed on the faith of the said guarantee, and forms part of the said Main Trunk Line,—and the Ontario, Simcoe and Huron Union Rail-road, for the construction of which certain arrangements have been made in expectation and upon the faith of the said guarantee; Provided always, that the expression "the Great Western Rail-road" in this Act, shall mean only the Main Line of Rail-way which the Great Western Rail-road Company are authorized to make from Burlington Bay to the Detroit River, and shall not include any Branches which the said Company is or may be authorized to make, nor shall the said guarantee be extended to any such Branch.

To what Rail ways the guarantee under 12 V. c. 29, shall be restricted

Proviso.

Board of Rail-way Commissioners constituted.

XVII. And for better ensuring the attainment of the objects proposed in the said Act and in this Act, Be it enacted, That the Receiver General, the Inspector General, the Commissioner and Assistant Commissioner of Public Works, and the Provincial Postmaster General, shall constitute a Board of Rail-way Commissioners; and of each the said Officers shall be a Member of the said Board by virtue of his office, and so long, and so long only as he shall hold the same; such one of the said Officers as the Members of the Board shall agree upon, shall be the Chairmain and Official Organ of the Board, the Secretary of the Commissioners of Public Works shall be the Secretary of the said Board; and any

report concurred in by a majority of the Board, shall be deemed the report of the Board.

On what conditions the said guarantee shall be granted.

XVIII. And be it enacted, That no Rail-way Company shall be entitled to the benefit of the said Guarantee, until the said Board shall have examined and approved the line selected for such Rail-road, the intended guage, the form and weight of Rail, and general mode of construction of the Road, and of the larger Bridges, Viaducts, and principal works upon such line, and shall have reported such approval to the Governor in Council, with their opinion that the Road is one which may advantageously form part of such Main Trunk Line, as aforesaid,—that the Act incorporating the Company contains all such provisions as they think essential to the protection of the public interest,—or that the Company have consented to the amendment of their Charter by the insertion of such provisions,—and that the Road when completed will afford ample security to the Province against loss under the Guarantee to be given with regard to it; and the line and mode of construction so approved shall not be altered or deviated from without an express Report of the said Board in favour of such alteration or deviation, nor unless such Report shall be approved by the Governor in Council, on pain of forfeiting the right of the Company to the said Guarantee; Provided always, That the Ontario, Simcoe and Huron Rail-road Union Company shall be entitled to the said Guarantee on complying with the other conditions aforesaid, although their Road does not form part of the said Main Trunk Line.

Proviso.

Rail-ways over 100 miles long may be divided into sections to each of which the guarantee may be extended.

XIX. And be it enacted, That any Company, having received such approval as aforesaid, shall be empowered, if the length of their Railway exceeds one hundred miles, to divide the same into sections of not less than fifty miles each, and being, as nearly as the total length of the Railway and other circumstances will admit, of seventy-five miles each, and each of such sections may, after such division shall have been approved by the Governor, be considered for all the purposes of the said Act and of this Act, as a distinct Railway, and when the requirements of the said Act and of this Act are complied with, as regards any such section, the Guarantee of the Province may be given for the

sum required to complete such section, which sum shall not be applied to any other purpose ; and the Company shall keep and render separate accounts of receipt and expenditure for each such section, and if any receipt or expenditure be common to two or more sections, the same shall be fairly apportioned among them in such accounts, to the satisfaction of the said Board.

Further conditions of such guarantee.

XX. And be it enacted, That the said Guarantee shall not be given with regard to any Railway or section until the said Board shall have reported to the Governor in Council, that the land for the whole Railway or section has been acquired and paid for, that a part of the work thereon has been completed to their satisfaction, and that the fair cost of the part so completed, including the fair cost of the land and of all materials then procured by and the property of the Company, (and not merely the sum the Company may have actually expended upon the same,) would not be less than the cost of the part remaining to be done, according to an estimate made upon tenders received and approved by the Company and by the said Board as fair and reasonable, in which case the Guarantee of the Province may be granted for the sum necessary to complete such remaining part of the work according to such estimate ; and, generally, it shall be the duty of the said Board to obtain and report to the Governor all such information, and to do all such things as may be necessary to ensure the faithful execution of the said Act and of this Act, and any duty assigned to the Commissioners of Public Works by the said Act shall hereafter be performed by the said Board.

Certain contract to be subject to approval of the Governor in Council.

XXI. And be it enacted, That no contract shall be entered into by any Company, for the performance of work or the furnishing of materials for that part of their Railway for the making whereof the said Guarantee is to be granted, except with the approval of the said Board; that the said Board may suggest and the Governor in Council may impose upon the Company such further conditions as they may think requisite for guarding the Province against loss; and that the Guarantee may be granted to the Company from time to time, and as may be necessary, to enable them to meet their engagements under such contracts as aforesaid, when the work has been performed to the satisfaction of the said Board.

Guarantee may, on certain conditions, extend to principal as well as interest.

XXII. And be it enacted, That the said Guarantee may, as regards those Companies whose Railways will form part of the said Main Trunk Line, and upon such conditions as the Governor in Council shall think fit, be extended to the payment of the principal of the sum guaranteed, as well as to the payment of the interest thereon, provided the Bonds guaranteed are made payable at periods previously approved by the Governor in Council, or in his discretion Provincial Debentures for the amount to be guaranteed, or any part thereof, may be delivered to the Company in exchange for their Bonds, for like sums, and the principal and interest whereof shall be made payable at like periods, or at such others as may be agreed upon; and for the principal and interest of such Bonds, the Province shall have the same priority of hypothec, mortgage and lien upon the Railway, tolls and property of the Company, as by the said Act is given for sums paid or guaranteed by the Province, and subject to the same provisions, and the said guarantee may be given either at once for the whole sum to be raised by the Company, or from time to time, and by portions as the same shall be required for carrying on the works, according to the terms and conditions

Proviso.

which shall have been made in that behalf: Provided always, that it shall be lawful for the Governor in Council, if he shall deem it expedient and consistent with the interests of the Province, and the due maintenance of the public credit, to grant the same advantages, or any of them, to the "Ontario, Simcoe and Huron Railroad Union Company," as he may under this section grant to Companies whose Railways form part of the

Proviso.

said Main Trunk Line of Railway; and provided also, that one of the conditions on which the benefit of this section shall be granted to any Company, shall be, that no By-law of such Company imposing Tolls, or affecting others than the Company, shall have force or effect until approved by the Governor in Council, and that no such By-law shall remain in force for more than three years from the passing thereof, so that such By-laws may be subject to periodical revisions by the said Governor in Council, and that the Company shall consent to such amendments (if any) of the Act incorporating it, as may be requisite to give full effect to this proviso.

MUNICIPAL CORPORATIONS ACT,

12 VIC., CAP. 81.

[Extracts relating to debts due by Municipalities.]

Corporations to take charge of debts due by localities under their jurisdiction, and provide for their payment.

CLXXVI. And be it enacted, That it shall be the duty of every such Municipal Corporation to take charge of any debt which may be due by the locality over which it has jurisdiction, and to direct the levy by tax upon the same, of such sum in each year as shall be necessary for the payment of the interest thereon, and as shall be sufficient to pay off the principal, according to the contracts and obligations which shall have been entered into in that behalf: and where any sum of money in the pound is by any Act of the Parliament of Upper Canada, or of this Province directed to be levied for the payment of any such debt or for any other special purpose, it shall be the duty of such Municipal Corporation, until the debt shall be paid, or the purpose fully served for which such Act was passed, or until the service contemplated by such Act shall be otherwise provided for, or the Act repealed, to cause to be levied in each year upon such locality, a sum at least equal to the highest sum which shall have been raised for the same purpose in any one year before the passing of this Act.

What rates shall be levied for paying such debts, in certain cases.

A sufficient sum to be levied by assessment for payment of all such debts, and interest.

CLXXVII. And be it enacted, That it shall be the duty of such Municipal Corporations respectively, to cause to be assessed and levied upon the whole rateable property in their Counties, Cities, Towns, Townships and Villages respectively, a sufficient sum of money in each year, to pay all debts incurred or which shall be incurred, with the interest which shall fall due or become payable within the year; and no By-law hereafter to be passed for the creation of any such debt, or for the negociation of any loan, shall be valid or effectual, to bind any such Municipal Corporation, unless a special rate per annum over and above, and in addition to all other rates whatsoever shall be settled in such By-law, to be levied in each year for the payment of the debt to be created by the loan to be negociated, nor unless such special rate shall be sufficient according to the amount of rateable property in such County, City, Town, Township or Village, as the case may be, as shall appear by the then last assessment returns of

By laws creating or authorizing any debt not to be valid unless sufficient provision be therein made for levying moneys for the payment of such debt, within twenty years.

such County, City, Town, Township or Village, to satisfy and discharge such debt, with the interest thereof, within twenty years from the passing of such By-law, and it shall not be competent to any such Municipal Corporation, to repeal such By-law, or to discontinue such rate, until the debt so to be incurred and the interest thereon shall be fully paid and discharged; nor to apply the proceeds thereof to any other purpose than the payment and satisfaction of the same; Provided always, nevertheless, that in the event of there being any part of such special rate on hand, and which cannot be immediately applied towards the payment and satisfaction of such debt by reason of no part thereof being then payable, it shall be the duty of such Municipal Corporation, and they are hereby required to invest such money in the Government Securities of the Province, or in such other Securities as the Governor of this Province shall by order in Council direct or appoint, and to apply all interest or dividends to arise or be received upon the same to the like porpose, as the amount so levied by such special rate, and no other.

Such By-law not repealable &c.

Proviso: how any temporary surplus of such moneys may be invested.

CLXXVIII. And be it enacted, That any By-law by which it shall be attempted to repeal any such By-law for raising any such loan, or for the payment and satisfaction of the debt contracted for any such loan, or to alter any such last mentioned By-law so as to diminish the amount to be levied for the payment and satisfaction of such loan or the interest thereof, until such loan and interest shall be fully redeemed, paid and satisfied, shall be and the same is hereby declared to be absolutely null and void to all intents and purposes whatsoever, and if any of the Officers of such Municipal Corporation shall, under pretence of such pretended By-law, neglect or refuse to carry into effect and execution the said By-law for levying the necessary moneys to redeem, satisfy and discharge such loan and the interest thereof, every such Officer shall be deemed guilty of a misdemeanor, and shall be punished by fine or imprisonment, or both, at the discretion of the Court whose duty it shall be to pass the sentence of the law upon such offender.

By-laws for raising loans &c., shall not be repealed or altered until the loans and interest thereon are fully paid.

Punishment of Officers refusing to execute such By-law.

CLXXIX. And be it enacted, That it shall be the duty of every Sheriff who shall receive a Writ of Execution against any Municipal Corporation created or to be created under the author-

Duty of Sheriffs with respect to Writs of Execution

ity of this Act, if such Writ shall be endorsed with a direction to such Sheriff to levy the amount thereof by rate, to deliver a copy of such Writ of Execution and endorsement to the Chamberlain or Treasurer of such Municipal Corporation, or to leave such copy at the office, place of business or dwelling-house of such Chamberlain or Treasurer, with a statement in writing of his fees, and the whole amount for principal, interest and costs required to be paid to satisfy such execution, calculated to the day of the service of such copy as aforesaid, or some day as near as conveniently may be to the same, and in case such amount, with interest thereon from the day mentioned in such statement, shall not be paid to such Sheriff within one calendar month after such service, it shall be the duty of such Sheriff to examine the adjusted and settled assessment rolls of such Municipal Corporation, on file in the office of the Clerk of such Corporation, and to strike a rate upon the same in like manner as rates may be struck by such Municipal Corporation for the general Municipal purposes of such Corporation, which rate shall be of a sufficient amount in the pound according to such assessment rolls to cover the amount so due on such execution, with such addition to the same as in the judgment of such Sheriff shall be sufficient to cover the interest, Sheriff's fees, and Collector's per centage to accrue thereon to the time when such rate shall probably be available for the satisfaction of the same: And thereupon, such Sheriff shall, by a precept or precepts under his Hand and Seal of Office, directed to the different Collectors of such Municipal Corporation respectively, reciting such Writ of Execution, and that such Muncipal Corporation had neglected to make provision according to Law for the satisfaction thereof, and containing the roll of such rate in a Schedule to be annexed to such precept, command such Collectors respectively, to levy and collect such rate within their respective jurisdictions, at the time and in the manner that they are by Law required to levy and collect the annual rates for the general purposes of such Municipal Corporation, and if at the time for levying and collecting such annual rates next after the receipt of any such precept, such Collectors shall have a general rate roll delivered to them for such year, it shall be their duty to add a column thereto, headed: "Execution rate in A. B. *vs.* The Township," (*or as the case may be, adding a similar column for each*

against Municipal Corporations, if endorsed to be levied by rate.

Precepts to be issued to the Collectors.

Duty of Collectors under such precepts.

execution, if more than one,) and to insert therein the amount by such precept required to be levied upon each person respectively, according to the requirements of such precept, and to levy and collect the amount of such Execution rate from such persons respectively, in the same manner as such general annual rate is by law directed to be levied and collected by such Collectors, and to return such precept with the amount so levied and collected thereon, or deducting his per centage therefrom, to such Sheriff within the same time as such Collectors are or shall by law be required to make the returns of the general annual rate aforesaid to the Chamberlain or Treasurer of such Municipal Corporation ; Provided always nevertheless, firstly, that any surplus that shall remain in the hands of such Sheriff upon any such precept or precepts, after satisfying such Execution, and all interest, costs and fees thereon, shall by such Sheriff be paid over to the Chamberlain or Treasurer of such Municipal Corporation within ten days after the same shall be so received by him, and be applicable to the general purposes of such Municipal Corporation as the surplus of any other rate : And provided also, secondly, that the Clerk of such Municipal Corporation, and the several Assessors and Collectors of such Corporation, shall, for all purposes in any way connected with the carrying into effect or permitting or assisting such Sheriff to carry into effect the provisions of this Act, with respect to the satisfaction of any such Execution, be taken and deemed to be Officers of the Court out of which such Writ of Execution issued, and as such shall be amenable to such Court, and may be proceeded against by Attachment or otherwise to compel the performance of the duties hereby imposed upon them as any other Officers of such Court may by law be proceeded against for a similar purpose.

Return of precept.

Proviso as to surplus in hands of Sheriff after satisfying execution.

Proviso: Clerk and Assessors, &c., of Corporation to be considered as Officers of Court from which Writ issued, for certain purposes.

An annual account of debts of each Municipal Corporation to be submitted to the Governor General.

LXXX. And be it enacted, That every such Municipal Corporation shall, annually, on or before the thirty-first day of January in each year, transmit to the Governor General of the Province, through the Provincial Secretary thereof, in such form as shall from time to time be prescribed for that purpose, by any order of the Governor in Council, an account of the several debts of such Corporation as they may have stood on the thirty-first day of December preceding, specifying in such account the original amount of every such debt of which a balance remained

Particulars in such account.

due at that day, the date when such debt was contracted, the day of payment, the amount of interest to be paid therefor, the amount of the rate provided for the redemption and satisfaction of such debt and interest, the proceeds of such rate for the year ending on such thirty-first day of December, the amount of such original loan redeemed and satisfied during such year, the amount of interest, if any, unpaid on such day, and the balance still due on the principal of such loan.

ACT 13 & 14 VIC.,
CAP. LXXXI.

An Act to enable the Municipal Corporation of the City of Toronto to assist in the construction of the Toronto, Simcoe and Lake Huron Union Rail-road.

[10*th August*, 1850.]

Preamble. WHEREAS the Municipal Corporation of the City of Toronto, have by almost an unanimous vote resolved, that so soon as legal authority shall have been obtained to enable th[e] to assist the Rail-road Company incorporated by an Act of the Parliament of this Province passed in the twelfth year of Her Majesty's Reign, intituled, *An Act to incorporate the Toronto, Simcoe and Lake Huron Union Rail-road Company*, in the construction of their intended Rail-road, the said Municipal Corporation is prepared to do so, on certain terms and conditions more fully set forth in a certain Report of the Finance Committee of the said Municipal Corporation, and by the said Municipal Corporation adopted in Council, on the twenty-ninth day of July now last past; And whereas George Gurnett, Esquire, Mayor of the City of Toronto, hath, by his petition to the Legislature, prayed on behalf of the Mayor, Aldermen and Commonalty of the said City, that authority might be conferred on the said Municipal Corporation of the said City, so soon as responsible parties shall have subscribed to the amount of One hundred thousand pounds in the Capital Stock of the said Rail-road Company, and in other respects shall have complied with the terms, conditions and regulations required by the said Municipal Corporation, to issue the debentures of the said Municipal Corporation to the like amount or Stock so subscribed; And whereas it is desirable and

12 V. c. 190.

expedient that power and authority should be given to the said Municipal Corporation to assist the said Rail-road Company in such manner as the said Municipal Corporation shall deem advisable, and that similar power should also be given to each Municipality through whose jurisdiction the Rail-road of the said Company may pass: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That it shall and may be lawful for the Mayor, Aldermen and Commonalty of the City of Toronto, in pursuance of any By-law of the said Municipal Corporation, in the name or on the credit and behalf of the said Municipal Corporation, to issue debentures to an amount not exceeding One hundred thousand pounds, nor in sums less than five pounds each, for and towards assisting in the construction of the proposed Rail-road of the said Company, and to provide for or secure the payment thereof, in such manner and way as to the said Municipal Corporation shall seem proper and desirable; and further, that it shall and may be lawful for the said Municipal Corporation of the City of Toronto, and any other Municipal Corporation, within or through whose jurisdiction the proposed Rail-road of the said Company may pass, to assist otherwise in the construction and forwarding of the said proposed Rail-road, in such manner as to any such Municipal Corporation may seem proper and desirable on grounds of public utility.

Corporation of Toronto empowered to issue debentures in aid of the said Company.

The said Corporation and others may aid the company in other ways.

II. And be it enacted, That any other Municipal Corporation within or through whose jurisdiction the proposed Rail-road of the said Company may pass, shall and may for and towards assisting in the construction of the said proposed Rail-road, issue debentures to an amount not exceeding Fifty thousand pounds, in the same manner and upon the same terms as the said Municipal Corporation of Toronto are hereby authorized to do.

Other municipalities may issue debentures in aid of the company.

III. And be it enacted, That for the purpose of enabling any

Corporations

such Municipal Corporation to exercise a sufficient precaution in regard to the due application of such debentures towards the purposes for which they are proposed to be issued, and to enable such Municipal Corporations respectively, to be therefore adequately represented in the direction of the said Rail-road Company, so soon as any such Municipal Corporation shall have issued the debentures hereby authorized, to the amount of Fifty thousand pounds each, such Municipal Corporation shall have power and is hereby authorized to nominate and appoint one Director from among the members of the Council of such Municipal Corporation, for or in respect of every Fifty thousand pounds of debentures, which may be so issued, and each such Director so appointed shall possess and enjoy all the powers and privileges possessed and enjoyed by the other Directors of the said Rail-road Company, named or to be appointed under the said Act of Incorporation of the said Rail-road Company, so long as such Municipal Corporation shall and may be liable for the payment of the principal and interest of such debentures.

so issuing debentures to have the power of electing directors of the company.

COUNTY OF SIMCOE.

BY-LAW.

To provide for the taking Stock in the "Ontario, Simcoe and Huron Railroad Company" in the sum of £50,000, issuing Debentures for that amount, and securing payment of the same.

Whereas the construction of a Railroad uniting the waters of Lakes Ontario, Simcoe, and Huron, would tend materially to the advancement and prosperity of the County of Simcoe:

And whereas certain proposals have been made to the Directors of "the Ontario, Simcoe and Huron Union Railroad Company" for the construction of a Railroad through the County of Simcoe, at and for the sum of six thousand two hundred and fifty pounds per mile, on the terms following, to wit, "That within two years and a half from the period of commencement the said Railroad should be completed, taking in payment the bond of the County of Simcoe for fifty thousand pounds; the private

subscriptions of the people of Toronto guaranteed by the six per cent. bonds of the said Company for fifty thousand pounds; the Stock of the Company at par for one hundred and fifty thousand pounds with the privileges of the Charter; the sum of twenty-five thousand pounds bonus voted by the City of Toronto in aid of the work, and the balance in Government debentures or in the stock of the Company at the option of the Contractors, or as may hereafter be agreed upon:

And whereas the Directors of the said Company have on their part and behalf and as far as the same relates to them, accepted the terms of the said proposals:

And whereas also, under and by virtue of the provisions of certain Acts of the Provincial Legislature, authority has been given to Municipal Corporations to take stock in the said Railroad to an amount not exceeding fifty thousand pounds, and to issue debentures for such Stock, providing for the payment in such manner and way as to the said Municipal Corporation shall seem desirable:

And whereas also resolutions have already been passed by the Municipal Council of the County of Simcoe, to the effect that it was expedient for the general welfare of the County that aid should be extended towards the construction of the said Railroad:

And whereas also it is now deemed proper and desirable, and it is the intention of the Municipal Council of the County of Simcoe to assist in the construction and forwarding of the said Road by taking stock to the amount of fifty thousand pounds in the said "Ontario, Simcoe and Huron Union Railroad Company" on the conditions hereinafter expressed, and providing for the payment of the same by the issue of debentures payable in manner and on the terms hereinafter declared, and in conformity with the provisions following; That the said Municipal Council of the County of Simcoe shall take stock in the said "Ontario, Simcoe and Huron Union Railroad Company" to the amount of fifty thousand pounds, and that the debentures of the County to the said amount of £50,000 shall be prepared payable in twenty years bearing interest at the rate of six per cent.

per annum, such interest being payable half yearly, and that such debentures shall be lodged in the hands of the County Treasurer to be by him issued from time to time at by and upon the written order of the Warden of the Municipal Council of the County of Simcoe for the time being. That such order shall be given by the said Warden of the Municipal Council of the County of Simcoe upon the written certificate of the Chief Engineer employed in the construction of the work being first had and obtained, to the effect that certain fixed amounts have been actually expended on the same, to wit that when the amount of ten thousand pounds shall have been laid out and expended by the Contractors in the actual laying down, construction and building of the said Road, that the fifth part of such sum or two thousand pounds in debentures shall be issued, and the remainder of said debentures shall be issued at a like ratio of one fifth upon such certificates first had and obtained as aforesaid, until the full sum of fifty thousand pounds debentures shall have been issued. That any profits which may arise during the construction of the work and until the road be completed shall go to and be paid to the said "Ontario, Simcoe and Huron Union Railroad Company." That the sum of two hundred and fifty thousand pounds balance shall be paid in Government debentures or in the stock of the Company as may be agreed upon between the Directors and the Contractors employed on said Road. That three members of the Council be appointed, as Commissioners to complete the contract on the part of the said Municipal Council of the County of Simcoe with the Directors of the "Ontario, Simcoe and Huron Union Railroad Company" which said Commissioners shall retain their appointment until the contract be fully agreed upon and entered into, and shall have full power to transact all and every the necessary business previous to the stock being taken therein, to examine and thoroughly satisfy themselves that the security offered, given and entered into for the construction and completion of the said Railroad, and laying down the same upon the western side of Lake Simcoe, and in every other manner carrying out the said contract be full, ample, perfect and undoubted.

Be it therefore hereby enacted by the Municipal Council of the County of Simcoe, assembled pursuant to the statutes in that case made and provided, and it is hereby enacted by the authority of

the same that (£50,000) fifty thousand pounds of stock of the "Ontario, Simcoe and Huron Union Railroad Company" be taken forthwith by the Warden of the said Council for and on behalf and in the name of the said Municipal Council of the County of Simcoe, subject to the provisoes and conditions in the recital hereinbefore mentioned, and it is hereby enacted, that for the payment of such stock there shall be issued by the said Council debentures to the amount of (£50,000) fifty thousand pounds payable in twenty years from the issuing thereof, with interest thereon at the rate of (£6) six pounds per centum per annum, payable half yearly. And it is also hereby further enacted, that there be raised and levied out of, from and upon all assessable property of the said County in each year of the next ensuing four successive years from the date hereof, such sum of money as shall be sufficient for the payment of the interest which shall accrue and become payable on the debentures which shall or may be issued for the above purpose. It is also hereby further enacted, that for the above purpose and in manner aforesaid, there shall be raised and levied in the next twelve successive years thereafter, namely in the years which shall be in the years of our Lord 1855, 1856, 1857, 1858, 1859, 1860, 1861, 1862, 1863, 1864, 1865 and 1866, respectively, such sum of money as shall be sufficient for the payment of the interest which shall accrue and become payable on the debentures which shall or may be issued for the above purpose, and also for the payment of one twentieth ($\frac{1}{20}$th) part of the principal money of the said (£50,000) fifty thousand pounds of said debentures. It is also hereby further enacted, that for the above purpose and in manner aforesaid, there shall be raised and levied in each year of the next four successive years which shall be in the years of our Lord 1867, 1868, 1869 and 1870, respectively such sum of money as shall be sufficient for the payment of the interest which shall accrue and become payable on the debentures which shall or may be issued for the above purpose, and also for the payment of one-tenth ($\frac{1}{10}$th) part of the principal money of the said (£50,000) fifty thousand pounds of said debentures. And it is also hereby further enacted, that debentures shall and may be issued from time to time as may be deemed expedient, by the Warden of the said County for the purpose of paying such part of the said (£50,000) fifty thousand

pounds of debentures as shall be found requisite and necessary to be paid to the said Railroad Company in accordance with the provisoes hereinbefore in the said recital set forth, and that such amount of debentures shall be paid to the Directors of the said Railroad Company whenever the said Directors shall be entitled to receive the same, or within a reasonable time not being more than seven days thereafter. And it is also hereby further enacted that William Armson, Thomas McConkey and Jonathan Lane, Esquires, be the Commissioners appointed, and they are hereby authorised and appointed to do all other things which may be necessary to carry out the objects of the said Municipal Council in relation to the taking of the said (£50,000) fifty thousand pounds of stock in the said Railroad Company, and as to all preliminary arrangements that may be connected therewith which may be in accordance with the spirit of this By-law, the said Commissioners to retain their authority until the said contract be completed.

(Signed,) WM. ARMSON,
Warden C. S.

25th January, 1851.

Certified to be a true copy,
JNO. MCWATT,
County Clerk, County of Simcoe.

CITY OF TORONTO.

Resolutions of the Municipal Council of the City of Toronto, certified by George Gurnett, Mayor of Toronto, to be correct and true.

"RESOLUTION.

"*Resolved*,—That the sum of twenty-five thousand pounds in "debentures payable twenty years after date, with interest at six "per cent. per annum, payable half yearly and granted in aid of "the 'Ontario, Simcoe and Huron Railroad Union Company' on "the conditions set forth in the second clause of the Report No. "21, of the Standing Committee on Finance and Assessments; "and in order to extend the benefits of the said Railroad to all

" parts of the City, it be another condition of the above grant " that the terminus for passenger trains shall be erected on a por- " tion of the market block property now vacant, such portion to " be leased to the Company at a nominal rent for ninety-nine " years, and that the lines of Railroad shall be carried along " Palace and Front Streets to the full extent of the City Water " Lots. Second condition in the Report referred to in the fore- " going Resolution. In the proportion as the work progresses, as " one is to two, viz., one hundred thousand pounds to be expended " on the Road before any advance is made by the Corporation, " then debentures to be issued to the Contractors for ten thousand " pounds, and that all future advances be made in the same pro- " portion, to an amount not exceeding the whole sum of twenty- " five thousand pounds."

MAYOR'S OFFICE,
TORONTO, 24th Dec. 1850.

I hereby certify that the foregoing Copy of the proceedings of the City Council of Toronto, in the matter to which it refers, is correct and true.

(Signed,) GEO. GURNETT,
Mayor of Toronto.

Additional Resolutions of the City Council of Toronto, certified by JOHN G. BOWES, ESQ., *Mayor.*

To his Worship the Mayor, Aldermen, and Commonalty of the City of Toronto, in Common Council.

The Special Committee to whom was referred the several communications of the President and Manager of the " Ontario, Simcoe and Huron Railroad Union Company," enclosed two propositions signed by John Arnold, Esquire, as Chairman of a meeting of a number of citizens held in this City on the 7th instant, suggesting the manner in which this Council should assist the said Company in making good the deficiency of thirty-five thousand pounds in the subscription allotted to this City, and asking the concurrence of this Council in the same, in order that a work so immediately connected with the best interests of this

City might at once advance to completion :—Beg leave to Report:—

That upon the most attentive considerations given by your Committee to the propositions signed by Mr. Arnold as Chairman, and after frequent interviews with the manager as well as with one of the contractors of the Company, Your Committee would recommend that in lieu of propositions (or either of them) this Council loan the said Company their debentures to an amount not exceeding thirty-five thousand pounds, payable in twenty years with interest on the same payable half-yearly, issuable in the same ratio as the bonus of twenty-five thousand pounds, taking as security for such debentures the bonds of the said Company to the same amount payable in ten years with interest half-yearly secured on the Road to the satisfaction of this Corporation upon the recommendation of the City Solicitor.

And further that it be a condition to this loan that the Road from this City to Lake Simcoe, or the Holland River, be completed in two years from the first of January next.

And further that as long as the loan of thirty-five thousand pounds continues, the Mayor of this City for the time being (if he be not a Director in any other Company) be a Director in the above mentioned Company;—if he be a Director in any other Company, then any Alderman in the City for the time being to be nominated by this Council to be a Director in said Company.

All which is respectfully submitted.

[Signed,] JOHN BEVERLEY ROBINSON, Junr.,

Chairman.

This Report was adopted by the Common Council of the City of Toronto, Monday, August 18th, 1851.

[Signed,] CHARLES DALY.

MAYOR'S OFFICE,

TORONTO, August 25th, 1851.

I hereby certify that the foregoing copy of the proceedings of the City Council of Toronto in the matter to which it refers is correct and true.

[Signed,] JOHN G. BOWES,
Mayor.

MAYOR'S OFFICE,

25th August, 1851.

SIR,—I have the honour to enclose a certified copy of the proceedings of the City Council on the application of the "Board of Directors of the Ontario, Simcoe and Huron Railroad Union Company" for a loan of £35,000 in aid of that work.

I have the honour to be,

Your obedient servant,

[Signed,] JOHN G. BOWES.
Mayor.

F. C. Capreol, Esq.,
Manager,
Railroad Office.

HUGH SCOBIE, PRINTER, KING STREET EAST, TORONTO.

THE BREAKING GROUND.

The imposing ceremony of breaking ground for the construction of the Ontario, Simcoe and Huron Union Railroad, took place at Toronto in front of the Parliament Buildings, on Wednesday the 15th October, 1851, in presence of their Excellencies the Governor General and Countess of Elgin and Kincardiue. There was an immense concourse of spectators on the ground, estimated by competent judges at from 25,000 to 30,000 persons. The procession from the City Hall to the Parliament Buildings was in the following order:

THE MARSHAL.
Band.
Toronto Fire Brigade.
The Temperance Societies.
Independent Order of Odd Fellows, M. U.
St. George's Society.
St. Patrick's Society.
St. Andrew's Society.
Loyal Orange Institution.
County of York Agricultural Society.
Toronto Mechanics' Institute.
Canadian Institute.
Steamboat Proprietors.
Toronto Board of Trade.
The Press.
Teachers of Private Schools.
The Normal School.
Home District Grammar School.
Chief Superintendent of Schools.
Council of Public Instruction.
Upper Canada College.
University of Toronto.
Law Society of Upper Canada.
Medical Board of Upper Canada.
The Bishops and Clergy of Different Denominations.
The Judges and Vice-Chancellors.
Chief-Justices and Chancellor.
The Honourable Executive Council.
Speaker and Members of House of Assembly.
Honourable Legislative Councillors.
Sheriff of the County of Simcoe.

Officers of the County of Simcoe.
Warden and Council of the County of Simcoe.
Sheriff of the County of York.
Officers of the County of York.
Warden and Council of the County of York.
Chief-Constable and High-Bailiff.
Police Magistrate.
Members of the Toronto Corporation.
Constable. Mayor and Recorder. Constable.
Two Constables.
The Honourable Railroad Commissioners
The Engineers.
The Contractors.
Directors.
CITIZENS.
Two Constables.

The arrangements on the ground were admirable. The accommodation for the public was spacious, and so arranged that the whole ceremony could be easily seen by those who were occupiers of seats on the platform, whilst others, and those in number many thousands, who could not possess such an advantage, were obliged to content themselves with the best position they could get, which, in the worst of cases, was not to be denominated bad. An elegant pavilion, with a platform in front, had been erected for the use of the Countess of Elgin, and for the purpose of His Excellency the Governor General receiving the address of the Directors and delivering his reply. A guard of honour of the 71st Highland Light Infantry, under Lieut. Colonel Sir Hew Dalrymple, Bart., was in attendance; as well as the Band and Pipers of that gallant corps.

On the arrival of their Excellencies at the gates of the ground, about three o'clock, a Royal Salute was fired from the Garrison, the 71st Band playing the national anthem, and the *cortege* was received by the Directors of the Railroad in a body: the Hon. Henry John Boulton had the honour of conducting her Ladyship to the pavilion, and she took a seat afterward on the platform on which were assembled, in addition to His Excellency's suite, the Directors of the Railroad, together with the Contractors and Engineers, viz:—The Hon. Henry John Boulton, President of the Board of Directors; Charles Berczy, Esq., Vice-President; Frederic Chase Capreol, Esq., Joseph C. Morrison, Esq., M. P. P.,

B. W. Smith, Esq., Sheriff of the County of Simcoe, Hugh Scobie, Esq., James Mitchell, Esq., and George Barrow, Esq., the other members of the Board. William Armson, Esq., who is also a Director of the Company, was unavoidably absent, owing to the necessity of his attending to official duties connected with Simcoe, of which County he has the honour of holding the distinguished office of Warden, and, in a letter addressed to the Committee, he expressed much regret that he was thus prevented from enjoying the peculiar pleasure of witnessing the turning of the first sod of a Railroad in which the County of Simcoe had so deep an interest, and in the accomplishment of which he had personally a strong feeling, as had been always shown. There were also on the platform, M. C. Courtwright, Esq., one of the enterprising Contractors for building this road, and Mr. DeWitt, one of the Engineers,—the other Contractors, M. C. Story, Esq., and his friends, having been unfortunately detained at Rochester by the change in the running of boats, arrived here only in time for the Ball in the evening,—in the festivities of which they entered with a degree of feeling which evidently showed that, although themselves strangers, they were pleased with other people's pleasures, and happy in their happiness.

Soon after three o'clock His Excellency was pleased to listen to the Address of the Directors, which was read by His Worship the Mayor, on their behalf, and as the representative of the civic body of Toronto, which was as follows:—

ADDRESS OF THE BOARD OF DIRECTORS.

To His Excellency the Right Honourable the Earl of Elgin and Kincardine, K. T., Governor General of British North America, Captain General and Governor-in-Chief in and over the Provinces of Canada, Nova Scotia, New Brunswick, and the Island of Prince Edward, and Vice Admiral of the same, &c., &c., &c.

May it Please Your Excellency:

The Directors of the Ontario, Simcoe and Huron Railroad Union Company, supported by the Mayor, Aldermen and Common Councilmen of Toronto, and the citizens generally,

have the extreme gratification of receiving Your Excellency and the Countess of Elgin, on the auspicious occasion of breaking ground for the first Railroad from Toronto. We thank Your Excellency and your noble Countess, for having condescended to honour with your presence this hopeful commencement of a very important undertaking, and we respectfully solicit that Your Excellencies may be pleased to evince your good will for its success by turning "the first sod" of the work.

The Ontario, Simcoe and Huron Railroad Union Company was incorporated by Act of the Provincial Parliament in 1849, the Royal assent to it having been promulgated by Proclamation of Your Excellency, on the 29th August of that year. The Board of Directors have since been most assiduous in their endeavours to carry into practical operation the beneficial objects of the Act, and they have solid grounds of congratulation in the fortunate circumstance of "the first sod" being now about to be turned by personages so exalted as Your Excellency and Lady Elgin. The work now commencing is one of great importance, not only to this city and the surrounding neighbourhood, but also to the whole Province, and the country lying between the South shore of Lake Ontario and the Atlantic Ocean. It will afford the shortest and most expeditious route from the Atlantic cities of the United States to the shores of Lakes Huron and Superior, and it cannot fail to command an amount of business commensurate with the great advantages it offers. This must have a material influence on the city and the country through which the road will pass. The benefits of such an influx of traffic will doubtless be extensively diffused. But, apart from this, the local business of the Road, and the benefits to be conferred thereby, are of themselves sufficient to warrant the most sanguine anticipations of success. The city and country are rapidly increasing in population and material resources. This work will give an impetus to improvements beyond anything that has yet been tried, and we have cause of thankfulness, that the extent and fertility of the country, and the favorable position of the city, with her expansive harbour open to commerce the whole year round, offer resources for profitable enterprize to which it would be difficult at present to assign a limit. The

value of imports at the port of Toronto, for 1850, was £634,723. The value of exports the same year was £67,557. The rise and progress of the city, are to be attributed chiefly to her flourishing back country, through which this Railroad will pass. In proportion as the facilities of transport are improved, will the import and export business be extended. Thus will the farmer find cheap and easy access to market with his produce, and procure, in return, with equal facility, those necessaries for consumption which must be introduced from abroad. According to the census of 1848, the last officially promulgated, the quantity of lands in the counties of York and Simcoe, under tillage, and the population, stocks, productions, &c., were as follows:—

	York.	Simcoe.
Population, 1848. - -	106,995	23,050
	Acres.	Acres.
Lands under tillage - - -	271,488	54,711
" " pasture - - -	93,326	21,158
" wild, good for cultivation -	495,989	260,883
" average value per acre cleared -	£5 15 5	£4 11 2
" average value per acre wild -	£3 3 3	£1 18 7
	Bushels.	Bushels.
Produce of wheat - - -	1,451,384	293,071
" barley - - -	110,819	6,985
" rye - - - -	23,482	2,482
" oats - - - -	1,526,935	212,006
" pease - - - -	384,721	37,580
" maize - - - -	33,480	5,627
" buck-wheat - - -	10,536	722
" potatoes - - -	423,604	200,876
	Lbs.	Lbs.
" flax - - - -	5,762	874
" tobacco - - -	122	
" maple sugar - - -	364,663	115,960
" wool - - - -	314,662	62,571
" butter - - - -	428,297	80,406
" cheese - - - -	119,602	7,931
	Bbls.	Bbls.
" beef or pork - -	14,664	6,039
	Yards.	Yards.
" fulled cloth - -	67,714	15,742
" linen - - -	4,025	2,490
" flannel - - -	128,094	37,643

	Numbers.	Numbers.
Neat cattle - - - - -	66,262	17,896
Horses - - - - - -	21,700	3,327
Sheep - - - - - -	105,033	23,530
Hogs - - - - - -	70,802	21,647

The returns have, no doubt, materially increased since 1848, as the census of 1852, when taken, will show. It is impossible to conceive that a country which has advanced so rapidly, in the short period of the existence of those counties, with the drawbacks which the inhabitants have had to contend against, can fail to advance with much more rapid strides when the proper facilities are afforded; and we respectfully submit, that the important Railroad, for the commencement of which we have this day assembled, will prove one of the greatest boons, to both inhabitants and stockholders, that has ever been thrown in our way. It is so regarded, we are truly happy to observe by Your Excellency and the Legislature of the country, as well as by the Municipalities of the County of Simcoe and the City of Toronto. Your Excellency and Lady Elgin have testified your good-will towards it, by honouring us with your presence to-day; the Legislature has extended towards it large and important aid, by guaranteeing the payment of its capital stock, to the extent of one-half the amount, or £250,000; the Municipality of the County of Simcoe has pledged its credit towards the undertaking to the extent of £50,000; while the City of Toronto has given a gratuity of £25,000 towards its construction, and pledged its credit for £35,000 more for the same object. Under such favourable circumstances we must, under Providence, succeed with the undertaking.

That health, happiness and prosperity, may attend Your Excellency, the Countess of Elgin, and the rest of your noble family, is our sincere and heartfelt wish.

[SEAL OF THE COMPANY.]

H. J. BOULTON,
President.

GEORGE BARROW, *Secretary.*

To which His Excellency was pleased to make the following reply:—

HIS EXCELLENCY'S REPLY.

MR. MAYOR AND GENTLEMEN:

I am apprized by the fair colleague whom you have associated with me in this interesting ceremony, that she is ready to undertake the task of turning the sod, if I will endeavour to express in her name, as well as my own, how grateful we feel for the kind terms in which you have referred to our attendance on the occasion. It may seem a singular application of the principle of division of labour, that the lady should dig and the gentleman speak. But this is an age of progress in which we must be prepared for much that is strange. It is no new thing with me to feel an interest in the construction of a Railway through the District which it is intended that the line we are now assembled to inaugurate shall traverse. Four years ago, on the occasion of my first visit to Toronto, I was so much struck by the great amount of local traffic, as well as by the fertility and capabilities of the country through which I passed in the course of a drive which I took along Yonge Street, that I ventured to predict that we should soon see a Railway running through it. The favourable impressions which I then received have been strengthened by subsequent observation, and they are further confirmed by the valuable statistical information contained in the Address which you have just now read. That this Railway, which is to connect Lakes Huron and Ontario, should be commenced while I am still in Canada, is therefore a subject of no ordinary gratification to me; and I am glad that Lady Elgin should have consented, on your invitation, to put her hand to the work. I shall not attempt to dilate on the benefits which Railways have conferred on all countries where they have been extensively introduced, and which we may hope by enterprise and perseverance yet to realize for Canada. The theme is too large for such an occasion. But I may observe that the hospitality of our friends in Boston gave many of us lately an opportunity of seeing what they have done for New England; how materially they have contributed there to raise the value of property, and increase the public wealth. Of the extent to which the Railway system has been

developed by our energetic neighbours, I had some personal experience on the occasion of our recent trip—as in eight days, and with the loss of only one night's rest, I travelled nearly 1500 miles, and spent several hours in each of the cities of Rochester, Boston and Montreal. I am aware that there are persons who apprehend that we have passed in Canada at a bound, from the extreme of caution and apathy, as regards Railway undertakings, to the opposite extreme of rashness, and who think it high time to warn us to beware of the calamities which excessive speculation entailed on England in 1847 and 1848. Such warnings ought not, in my judgment, to be despised; but neither can they be profitably listened to, unless due consideration be at the same time paid to circumstances which render the experience of England in this matter only partially applicable to us. It ought to be remembered, for instance, that when we build railways on this continent, we build them for the use of a population, among whom the genius of travel is developed to an extent wholly unprecedented. It will be admitted, I presume, that John Bull is the most travelling animal to be met with in Europe. But John Bull rarely travels for the sake of travelling. He has almost always before him some object of pleasure or profit at the end of his journey to cheer him on his way; and grumble as he may while he is at home, he is always doubly disposed to grumble when abroad.

It is no injustice, however, to our neighbours on the other side of the line to affirm that they never seem more completely at home than when the power of steam is hurrying them over the surface of the earth, or when they are snatching a hasty meal in expectation of being momentarily summoned to their places in the cars. And, again, it ought to be observed, that we carry our lines generally through a country in no part of which has land acquired a full value, while in many it can hardly as yet be said to possess any exchangeable value at all. This circumstance tells in favour of railways in two respects; firstly, by reducing the cost of their construction; and, secondly, by rendering them, wherever they are introduced, instrumental in opening up sources of public and private wealth, which are almost, if not altogether, dried up in countries where land has already attained a maximum

value. And lastly to advert to one other consideration only, which is, however, perhaps even more important than either of the preceding, it should not be forgotten that the process of rapid development which is taking place in the district through which any one particular line passes, is likewise in progress through vast regions all around, so that the tide of population and production which is destined to flow over and to fill the several channels of communication as they are successively opened up, is rising higher and higher on every side of us. Although, therefore, the counsels of prudence ought most assuredly not to be disregarded, it would seem to be in our case the part of true wisdom to look with much confidence to the future, and to take due account of advantages which, although they be prospective, are by no means problematical.

In all that you state in your Address with respect to the dependence of Toronto on the rural districts with which it is connected, and the expediency of enlarging the circle of such districts by means of Railways, I most cordially concur. As bearing on this point, I was a good deal struck by an observation lately made in my hearing, by a gentleman whose position enabled him to speak with authority on the subject, to the effect that the farmers of the neighbourhood when they bring their wheat to Toronto, often buy city debentures with the money which they get for it. It appeared to me that from this fact three inferences might legitimately be drawn. Firstly, that the farmers who can do so are not in debt; secondly, that they place confidence in the good faith of the Corporation; and, thirdly, that not only does the merchants' share of the profits of the trade with the rural districts contribute to the prosperity of the city, but that the farmers' share also, not unfrequently re-appears in your handsome public buildings and improvements. Under these circumstances, who can question the wisdom of multiplying these excellent clients, and binding them more closely to you by a network of Railways?

It is indeed my conviction that there are few parts of this wide and flourishing continent which can boast of a prosperity more uniform, and in all respects more satisfactory, than that which

this city and neighbourhood enjoy. And as you have allowed me to mention what was stated in my hearing with respect to the city debentures, I shall take the liberty of quoting a remark made to me, not long ago, by a gentleman who lived for some 12 or 14 years in a large and thriving city on the other side of the line, which seems, I think, to illustrate the substantial character of this prosperity. This gentleman informed me, that during his sojourn in the city in question, no fewer than three generations of persons engaged in business had mounted there to the top of the tree, and fallen to the bottom again with a crash: whereas on his return to Toronto, he found the same persons thriving and prospering here with larger means at the close of the period, whom he had left thriving and prospering with smaller means at its commencement. And I felt that the moral of this tale was pointed for me by an eminent merchant of this city, who observed, "when a person in business in a Canadian town goes to New York or Boston, he gets credit there more readily than another person presenting himself under similar circumstances from elsewhere."

But this is not all. It is true alike of communities as of individuals, that there are certain moral qualities which are as indespensable to success as any material advantages whatsoever. The peculiar circumstances under which I address you, must be my excuse for making this remark at the present time; for I cannot expect to occupy among you again the position which I have filled for two years, and which the good feeling and courtesy of the inhabitants of Toronto have done so much to render agreeable. I shall not dwell upon a topic which is to me a painful one. But this I feel in justice bound to say, that if I had been in search of any assurances of the continued prosperity and progress of Toronto, beyond those which are followed by a knowledge of its history and of the resources of the country surrounding it, I should have found them in the temper and moderation, the respect for law, and the self-reliance which the citizens have evinced, when these qualifications have been put to the test.

After which the Countess of Elgin, supported by the Hon. H.

J. Boulton, President, descended from the platform, and the spade was presented to her Ladyship by D. P. DeWitt, Esq., one of the Engineers; and the wheelbarrow was presented to His Excellency by M. C. Courtwright, Esq., one of the Contractors. After her Ladyship had removed the sod, and placed it in the barrow, His Excellency wheeled it a short distance, and discharged the contents, thus showing, that although dignified by rank and titles, he could, when the public weal required an example, condescend to the low estate of a navigator. The Earl and Countess then returned to the platform, followed by the dignitaries of the Railroad, and shortly afterwards, together with their suites, took their departure from the ground, amidst the enthusiastic cheers of the multitude.

The Spade used on the occasion, was a handsome piece of workmanship, the blade of solid silver, and beautifully ornamented—most creditable to the skill of the maker, Mr. Morrison, Jeweller, King Street. The Wheelbarrow was also very creditable to the mammoth workshop of those enterprising and highly respectable persons, Messrs. Jacques and Hay, King Street.

The event was celebrated by a Grand Ball and Supper, in the St. Lawrence Hall, in the evening. The work thus auspiciously commenced, is now regularly progressing, with the intention of having it completed to Lake Huron within two years of the date of breaking ground, according to contract.